

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5916 OF 2018

ORDER:

Heard Sri M.R.Tagore, learned counsel for the petitioner, the learned Standing Counsel for the Telangana State Level Police Recruitment Board and the learned Government Pleader for Home Services.

It has been contended by the petitioner that he was initially selected for the post of Stipendiary Cadet Trainee Police Constable (AR) (Men) [*for short* SCTPC(AR)] and the respondents vide proceedings dated 16.08.2017 have cancelled his provisional selection on the ground that he has suppressed the factum of his involvement in a criminal case.

Learned Counsel for the petitioner submits that the respondents have passed very cryptic order canceling the provisional selection of the petitioner without assigning any reasons and without giving any opportunity to the petitioner. He further contends that with regard to suppression of facts the Honourable Supreme Court in ***Avtar Singh v. Union of India and others***¹ had considered various circumstances under which the stringent action could be taken and to what extent the employer can exercise its discretion; and that as per the said Judgment of the Supreme Court, the respondents ought to have considered whether the

¹ (2016) 8 SCC 471

involvement of the petitioner in the criminal cases would effect the continuation of service and whether the suppression of fact of petitioner's involvement in a criminal case would entitle the respondents to cancel the provisional selection. He also submits that the respondents without applying the guidelines enunciated by the Supreme Court in the aforesaid Judgment, cancelled the provisional selection of the petitioner. He further submits that appropriate orders be passed in the writ petition setting aside the impugned order of cancellation of provisional selection and to further direct the respondents to consider the case of the petitioner strictly in terms of the guidelines framed by the Honourable Supreme Court in ***Avtar Singh's case (supra)***.

Learned Standing Counsel appearing for the Police Recruitment Board submits that the respondents have verified the antecedents of the petitioner, when it has come to their notice that the petitioner has suppressed the material facts; that the respondents have rightly passed orders canceling the provisional selection of the petitioner vide impugned proceedings; and that the person who have suppressed the factum of his involvement in a criminal case do not deserve any consideration for continuation of his services in a disciplined police force, and as such prayed to dismiss the writ petition.

This Court having considered the rival submissions made by both the parties, is of the considered view that the respondents have passed impugned cancellation orders without assigning any reasons and without applying the principles as set out by the Honourable Supreme Court in ***Avtar Singh's case*** and that the same is liable to be set aside.

In view of the above, this writ petition is allowed and the respondents are directed to reconsider the case of the petitioner in terms of the guidelines framed by the Supreme Court in ***Avtar Singh's case*** and pass appropriate orders. No order as to costs.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

09.01.2020
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