HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY ,THE TWENTY FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 23631 OF 2020

Between:

Gantekampa Jagadish, S/o. Saidulu, Aged 24 years, Occ. Student, H.No.C-124, Kannekal Village, Madugulapally Mandal, Nalgonda District.

...PETITIONER

AND

1. The State of Telangana, Home Department, BRKR Bhavan, Hyderabad, Rep. by its Principal Secretary
2. The Telangana State Level Police Recruitment Board, DGP Office Complex, Lakdikapool, Hyderabad, Rep. by its Chairman.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus by declaring the action of the Respondents in cancelling the Provisional Selection of the Petitioner herein vide Registration No.1114723 for the post of SCT Police Constable in Telangana State Special Police (TSSP) vide the cancellation orders, dt.07/09/2020 through Memorandum Vide Rc. No. 213/Rectt./Genl.2/2019 as illegal, unjust, arbitrary, violative of the Settled Principles of violative of Articles 16, 21 and 46 of the Constitution of India by setting aside the cancellation orders passed by the Respondents through Memorandum Vide Rc. No. 213/Rectt./Genl.2/2019, dt. 07/09/2020 and consequently direct the Respondents to appoint the Petitioner for the post of SCT Police Constable in Telangana State Special Police (TSSP) after completing the training schedule.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to allow the Petitioner herein to attend the Training Scheduled for the Post of SCT Police Constable in Telangana State Special Police (TSSP), by suspending the cancellation orders passed by the Respondents herein, dt. 07/09/2020 through Memorandum Vide Rc. No. 213/Rectt./Genl.2/2019 pending the disposal of above Writ Petition.

Counsel for the Petitioner: SRI E. VENKATA REDDY
Counsel for the Respondent No.1: SPECIAL GOVERNMENT PLEADER FOR GP FOR HOME
Counsel for the Respondent No.2: SPECIAL GOVERNMENT PLEADER FOR SRI M.V. RAMA RAO, SC FOR TSLPRB

The Court made the following: ORDER

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.23631 of 2020

ORDER:

This writ petition is being disposed of at the admission stage with the consent of learned counsel on either side.

This writ petition is filed seeking the following relief:

> "to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in cancelling the Provisional Selection of the petitioner herein vide Registration No.1114723 for the post of SCT Police Constable in Telangana State Special Police (TSSP) *vide* the cancellation orders dt 07/09/2020 through Memorandum Vide Rc.No.213/Rectt /Gen1.2/2019 as illegal, unjust, arbitrary, violative of the settled principles of violative of Articles 16, 21 and 46 of the Constitution of India by setting aside the cancellation orders passed by the respondents through Memorandum Vide Rc.No.213/Rectt/Gen1. 2/2019, dt 07/09/2020 and consequently direct the respondents to appoint the petitioner for the post of SCT Police Constable in Telangana State Special police (TSSP) after completing the training schedule and pass such other order or orders in the interest of justice."

2. Heard Sri E.Venkata Reddy, learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. It has been contended by the petitioner that he is fully eligible and qualified to be appointed for the post of Stipendiary Cadet Trainee Police Constable in Telangana

State Special Police (herein after referred to as 'TSSP'). While so, the respondents have issued a recruitment Notification on 31.05.2018 and pursuant to the said Notification, he has responded to the same and after undergoing the regular selection process, he was selected for the post of Stipendiary Cadet Trainee Police Constable (TSSP) on 24.09.2019. In the process of selection, he has to fill up one attestation form informing as to whether any criminal case is pending against him and he has filled the said attestation form making it very clear that Cr.No.55 of 2017 of Madugulapally Police Station, Nalgonda District is pending against him.

4. Learned counsel appearing for the petitioner contended that the respondents have issued a Show-cause Notice on 24.02.2020 asking him as to why the provisional selection of the petitioner should not be cancelled on the ground of pendency of criminal case against him. Pursuant to the said Show-cause Notice, the petitioner has submitted a detailed explanation on 23.03.2020 making it very clear that there were land disputes between his father and the adjacent land owner and that his parents, brother and himself were falsely implicated in the criminal case and requested the respondents not to take any action against him pursuant to the Show-cause Notice dated 24.02.2020. But, the

respondents, without considering the explanation submitted by the petitioner have cancelled the provisional selection of the petitioner vide proceedings dated 07.09.2020. Challenging the same, the present writ petition is filed.

5. Learned Counsel for the petitioner further contended that in *Avtar Singh v. Union of India and others*[1], the Hon'ble Supreme Court had elaborately considered an identical issue wherein the Hon'ble Supreme Court at para '38' gave certain elaborate directions as to how the authorities have to deal with respect to the suppression of facts in respect of minor criminal cases and whether there is a charge of moral turpitude or not? In view of the guidelines framed by the Hon'ble Supreme Court in the above said case, let the case of the petitioner also be considered in accordance with the judgment of Hon'ble Supreme Court in *Avtar Singh*'s case (1 supra). He further contended that in *Avtar Singh v. Union of India* and others[2] at para '4' of the judgment, the Hon'ble Supreme Court has reiterated the very same issue in *Avtar Singh*'s case (1 supra). Therefore, appropriate orders be passed in the writ petition directing the respondents to re-consider the case of the petitioner afresh in terms of the law laid down by the Hon'ble

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[1] (2016) 8 SCC 471
[2] Civil Appeal No.18798 of 2017 dt.15-11-2017
(arising from SLP (C) No.20525 of 2011 dt.21-07-2016)

Supreme Court in above said cases and pass appropriate orders in accordance with law.

6. Learned Special Government Pleader appearing for the respondents has contended that the information was sought from every selected candidate asking whether any criminal case is pending against them. However, as the criminal case was pending against the petitioner, the respondents have rightly rejected the case of the petitioner. Hence, there are no merits in the writ petition and the same is liable to be dismissed.

7. This Court, having considered the rival submissions made by the learned counsel for the parties, is of the considered view that the respondents have cancelled the provisional selection of the petitioner without following the guidelines issued by the Hon'ble Supreme Court in *Avtar Singh*'s case (1 supra) and *Avtar Singh*'s case (2 supra). Therefore, ends of justice would be met if the respondents are directed to consider the case of the petitioner in terms of the guidelines issued by the Hon'ble Supreme Court in the above two referred cases and the impugned order is liable to be set aside and accordingly it is set aside. The respondents are directed to examine the case of the petitioner in terms of the law laid down by the Hon'ble Supreme Court in *Avtar Singh*'s

case (1 supra) and *Avtar Singh's* case (2 supra) and pass appropriate orders in accordance with law within a reasonable period of time, preferably within a period of four weeks from the date of receipt of a copy of this order.

8. With the above directions, the writ petition is allowed. No order as to costs.

9. Pending miscellaneous petitions, if any, shall stand closed.

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, State of Telangana, Home Department, BRKR Bhavan, Hyderabad.
2. The Chairman, Telangana State Level Police Recruitment Board, DGP Office Complex, Lakdikapool, Hyderabad.
3. One CC to Sri E. Venkata Reddy, Advocate [OPUC]
4. One CC to Sri M. V.Rama Rao, SC for TSLPRB, Advocate [OPUC]
5. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CD Copies

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HIGH COURT

DATED:24/12/2020



ORDER

WP.No.23631 of 2020

ALLOWING THE WP

WITHOUT COSTS

02/1/2021