

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

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

Between:

WRIT PETITION NO: 18470 OF 2017

1. Daravath Ramu S/o Papulu
Aged 29 years Occupation: Home Guard
R/o H.No.2-10, Thimmapuram Village Chivemla Mandal
Suryapet District, erstwhile Nalgonda District
2. L.Srinivas S/o Ganesh
Aged 35 years Occupation: Home Guard
R/o H.No.20-7/95 Sunitha Reddy Colony Narsapur Village
And Mandal Medak District
3. M.Kishan S/o Bhonsyam
Aged 29 years Occupation: Home Guard
Thummalakunta Thanda Village Talakondapally
Mandal MahabubNagar District
4. K.Gopal S/o Gopal
Aged 27 years Occupation: Home Guard
Geedigunta Thanda, Gunded Village Balanagar
Mandal MahabubNagar District
5. Rathod Thukaram S/o Maruthi
Aged 25 years Occupation: Home Guard
Kishan Nayak Thanda Village Srgapur
Mandal wasar Post, SangaReddy District,
erstwhile Medak Dist.
6. Sapavath Roopla S/o Tholya
Aged 32years Occupation: Home Guard
R/o JodubaiThanda Village Naredugomma
Mandal Nalgonda District
7. Bhagawan Sabhawath S/o Peelya
Aged 30 years Occupation: Home Guard
R/o JodubaiThanda Village Neredugimma
Mandal Nalgonda District
8. Devarai Nagaraju S/o Estar
Aged 29 years Occupation: Home Guard
Thackamalla Village Miryalaguda
Mandal Nalgonda District
9. Laxman Nayak S/o Chandu
Aged 34 years Occupation: Home Guard
Vittu Nayak Thanda Village Mogadampally
Mandal SangaReddy District, erstwhile Medak Dist.,
10. Ketnavath Madhavlal S/o Ghasya
Aged 25 years Occupation: Home Guard
R/o Bachapuram Village Neredugum (Chandampet)
Mandal Nalgonda District.

11. Bhukya Bhaskar S/o Sankru
Aged 35 years Occupation: Home Guard
R/o Eedulapalle Thanda Village Thirumalagiri
Mandal Suryapet District, erstwhile Nalgonda Dist.
12. Amru Saudasoth S/o Ramya
Aged 29 years Occupation: Home Guard
R/o RamachandraPuram Thanda, Simhapuri Village
Mattampally Mandal Suryapet District, erstwhile Nalgonda Dist.,
13. Katrawath Raviteja S/o Nanu
Aged 31 years Occupation: Home Guard
R/o KatrawathThanda, Nagrla Village Margul
Mandal RangaReddy District
14. Daravath Hari S/o Lachuma
Aged 35 years Occupation: Home Guard
R/o Thonda Velishala Village Thirumalagiri
Mandal Suryapet District, erstwhile Nalgonda District
15. Megavath Gopal S/o Thulcha
Aged 28 years Occupation: Home Guard
R/o Patelcheru Thanda Village Arutla
Mandal RangaReddy District.
16. Nenavath Salda Naik S/o Cheena Naik
Aged 30 years Occupation: Home Guard
R/o. Balaji Thanda, Adavidulapally Mandal,
Nalgonda District
17. Venkateshwarlu Banavath S/o Mothya
Aged 30 years Occupation Nagarjunapeta
Village Post Chintalapalem Thirumalagiri Mandal
Nalgonda District
18. Bhukya Manindar Naik S/o Tulasiram
Aged 28 years Bojjagudem Thanda Village
Kodada Mandal Suryapet District, erstwhile Nalgonda Dist.,
19. Dharavath. Sinivas S/o Manchya
Aged 32 years Occupation: Home Guard
R/o Suryapet Thanda Village ChennaraoPet
Mandal Warrangal District

.....Petitioners

AND

- 1) The State of Telangana, Rep. by its Principal Secretary
Home Department, Secretariat Buildings
Safabad, Hyderabad - 500 022
- 2) The Telangana State Level Police
Recruitment Board, (TSLPRB), Rep. by its Chairman
Office of the Director General of Police, (DGP)
Lakdi-ka-pul, Hyderabad Telangana State-500 004

.....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 of direction more particularly one in the nature of "Writ of Mandamus"

a) declaring the Press release of TSLPRB 2015 dt.22.04.2017, and the consequential Press release of TSLPRB 2015 dt.22-04-2017 (Provisional selection list of 10,113 candidates) in pursuant to the Notification in Rc.No.151/Rect./Admn.1/2015, dt.31.12.2015 issued individually to the Petitioner's herein who are all Home Guards and selected for the post of SCT PC (Civil/AR/SAR/TSSP/SPF/Firemen) in the OCHG category, thereby informing that provisional selection orders have been kept in abeyance pursuant to the interim orders made in WP (PIL) MP No. 91 of 2017 in WP(PIL) 43 of 2017 dt.13-03-2017 of the Hon'ble High Court which staying the appointment order of 188 Home Guards selected in the Open category, in spite of representations of the petitioners while however allowing 146 candidates, apparently in respective categories for training, several of whom secured less marks than the minimum cutoff, and keeping in abeyance of 42 candidates, including the Petitioners as illegal, arbitrary, in violation of Art. 14 of the Constitution of India

b) and consequently direct the Respondents to allow/permit the Petitioners to participate in the 2nd phase of the Constable training program

c) and award costs to the petitioners

I.A. NO: 1 OF 2017(WPMP. NO: 22540 OF 2017)

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/permit the petitioners to participate in the constable training program presently being conducted pursuant to being selected to the post of SCT PC (Civil/AR/SARTISSP/SPF/Firemen) in the OCHG category pursuant to Notification Rc. No. 151/Rect./Admn.1/2015 dt.31.12.2015, pending disposal of the Main Writ Petition

IA NO: 1 OF 2019

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 respondent to permit the petitioners to participate in the constable training program in view of W.P (PIL) No. 43 & 79 of 2017 of both writ petitions are dismissed dated: 11-10-2018 as petitioners selections is kept in abeyance pending PIL

Counsel for the Petitioners: SRI A. K. JAYAPRAKASH RAO

**Counsel for Respondents: SPECIAL GOVERNMENT PLEADER FOR
GP FOR SERVICES I**

The Court made the following: ORDER

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.18470 OF 2017

ORDER:

This writ petition is filed seeking the following relief:

to grant a writ, order or direction more particularly and in the nature of Writ of Mandamus (a) declaring the Prem release of VSLPRB 2015, dt 12.04.2017 and the consequential Prem release of VSLPRB 2015, dt 21.04.2017 (preliminary selection list of 10,113 candidates pursuant to the Notification No. R.No.1510866/Admn.1/2015, dt 21.12.2015 issued individually to the petitioner's behalf who are all Home Guards and selected for the post of SGT-PC (C/SHAR/SAR/ISS/SE/FF/Enment in the OC/15 category, thereby informing that provisional selection orders have been kept in abeyance pursuant to the interim orders made in WP (PIL) No.43 of 2017 & WP (PIL) 45 of 2017, dt 13.02.2017 of the Hon'ble High Court which stating the appointment order of 148 Home Guards selected in the Open category, in spite of representations of the petitioners while however allowing 48 candidates, apparently in respective categories for training, several of whom secured less marks than the minimum cutoff and keeping in abeyance of 43 candidates, including the petitioners as illegal, arbitrary, in violation of Article 14 of the Constitution of India (b) and consequently direct the respondents to allow/participate the petitioners to participate in the 2nd phase of the Carabina training program (c) and award costs to the petitioners and to pass order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and in the interest of justice."

02. Heard Sri A.K.Jaya Prakash Rao, learned counsel appearing for the petitioners, and learned Special Government Pleader appearing for the respondents.

03. All the petitioners are working as Home Guards and they are fully eligible and qualified to be appointed as Police Constables. While so, the respondents have issued a recruitment notification on 31.12.2015. Pursuant thereto, the petitioners have applied, participated in the selection process and were selected *vide* proceedings dated 22.04.2017. Their grievance is that WP(PIL) Nos.43 and 79 of 2017 were filed

before the Division Bench and initially, the Division Bench granted stay of selection on 13.03.2017 and consequently, though the petitioners were selected as Constables, the selection of the petitioners were kept in abeyance and finally W.P.(PIL) Nos.43 and 79 of 2017 were dismissed by this Court *vide* order dated 11.10.2018 and hence, the cases of the petitioners are liable to be considered for appointment to the post of Police Constables.

04. Learned counsel appearing for the petitioners submits that since WP (PIL) Nos.43 & 79 of 2017 were dismissed by the Division Bench on 11.10.2018, appropriate orders be passed in the writ petition directing the respondents to consider the cases of the petitioners for appointment to the post of Police Constables pursuant to their provisional selection.

05. Learned Government Pleader appearing for the respondents contended that since WP (PIL) Nos.43 and 79 of 2017 were dismissed by Division Bench *vide* order dated 11.08.2018, the respondents would consider the cases of the petitioners and pass appropriate orders in accordance with law.

06. Having considered the rival submissions made by the learned counsel on either side, this Court is of the view

that the appointment of the petitioners was kept in abeyance just because of the interlocutory orders passed by the Division Bench in WP (PIL) Nos.43 and 79 of 2017 and the same were dismissed *vide* order dated 11.10.2018, it is appropriate to direct the respondents to consider the cases of the petitioners.

07. Accordingly, the Writ Petition is disposed of directing the respondents to consider the cases of the petitioners for appointment to the post of Police Constables in accordance with the Rules and pass appropriate orders in accordance with law, No costs.

Miscellaneous petitions, if any, pending shall stand closed.

SD/-T.KRISHNA KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

- To,
1. The Principal Secretary, Home Department, State of Telangana Secretariat Buildings Saifabad, Hyderabad - 500 022
 2. The Chairman, Telangana State Level Police Recruitment Board (TSLPRB), Office of the Director General of Police, (DGP) Lakdi-ka-pul, Hyderabad, Telangana State-500 004
 3. One CC to Sri A K Jayaprakash Rao Advocate [OPUC]
 4. Two CCs to GP For Services, High Court for the State of Telangana. [OUT]
 5. Two CCs to Special Government Pleader, High Court for the State of Telangana [OUT]
 6. Two CD Copies
 7. One Spare Copy

MBC

10/2/1

HIGH COURT

DATED: 31/12/2021



ORDER

WP.No.18470 of 2017

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

10
24/1/22
81/4