

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

**MONDAY, THE TWENTY SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND**

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 27877 OF 2012

Between:

Madhugani Raju, S/o. Chinna Pentaima, aged 23 years, R/o. Sankireddipally Village and Post, Kothakota Mandal, Mahabubnagar District.

...PETITIONER

AND

1. The State Level Police Recruitment Board, Andhra Pradesh, D.G.P. Office compound, Lakdikapool, Hyderabad, rep.by its Chairman.
2. The State of Andhra Pradesh, rep.by its Principal Secretary, Home Department, Secretariat Buildings, Hyderabad.

...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 a Writ of Certiorari, calling for the connected records, including the impugned the orders in O.A.No.215 of 2011, dated 13-08-2012 along with the orders in O.A.No.215 of 2011, dated 20-12-2011, in passed by the Administrative Tribunal, Hyderabad, and quash the same as arbitrary, illegal, unjust and contrary to law and it if further prayed that the proceedings Rc.No.89/R & T/Admin.2/11, dated 10-03-2011, be also declared arbitrary, illegal, unjust and contrary to law and accordingly be quashed and further direct the respondents to consider the case of the petitioner for the post of Stipendiary Cadet Trainee (SCT) Police Constable (Civil) (Men) in the existing vacancies with all consequential benefits along with other selected candidates pass further order or orders in the interest of justice."

(prayer is amended as per Court Order dated 16-09-2022 vide I.A.No.1 of 2022 in WP.No.27877 of 2012)

I.A.NO: 1 OF 2012(WPMP. NO: 35527 OF 2012)

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 accommodate the petitioner in the existing vacancies and send him for S.G.T.P.C. (Civil) (Men) training by suspending the operation of the impugned order in O.A.No.215 of 2011, dated 20.12.2011, passed by the A.P. Administrative Tribunal, Hyderabad, and the proceedings Rc.No.89/R&T/ Admn.2/11, dated 10.3.2011, issued by the 1st respondent, forthwith, pending disposal of the above writ petition.

Counsel for the Petitioners : SRI.SIVARAJU SRINIVAS

Counsel for the Respondents : GP FOR HOME

The Court made the following ORDER

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
HON'BLE SMT JUSTICE SUREPALLI NANDA
WRIT PETITION No.27877 OF 2012

ORDER: *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

Aggrieved by the orders dated 20.11.2011 passed in O.A.No.215 of 2011 by the Andhra Pradesh Administrative Tribunal (for short 'the Tribunal'), Hyderabad, the present Writ Petition has been filed.

Heard Sivaraju Srinivas, learned counsel for the petitioner and learned Special Government Pleader for the respondents.

It has been contended by the learned counsel for the petitioner that the petitioner has responded to a notification dated 30.12.2008 for the post of Stipendiary Cadet Trainee (SCT) Police Constable (Civil)(Men) and petitioner has participated in the selection process and the petitioner has secured 108 marks. Learned counsel for the petitioner also contended that the petitioner belong to BC-D community and one other person from BC-D category has also secured same marks i.e., 108 marks. As the said person, who has secured same marks i.e., 108 marks, was older in age than the petitioner, he was selected as Police Constable.

Learned counsel for the petitioner had contended that it has come to the notice of petitioner that three candidates who were also selected as police constable were subjected to medical examination and they could not clear the medical examination and consequently three vacancies were there and petitioner has submitted a representation requesting the respondents to consider the case of the petitioner for appointment as Police Constable in the said vacancies which could not be filled up because those three candidates could not clear the medical examination. But the case of the petitioner was not considered and the same was rejected. Aggrieved by the same, the petitioner had approached the Tribunal by filing O.A.No.215 of 2011 seeking a direction to consider the case of the petitioner for appointment to the post of Police Constable but the Tribunal vide orders dated 20.12.2011 was pleased to dismiss the O.A. without appreciating any of the contentions raised by the petitioner.

Learned counsel for the petitioner had further submitted that the issue raised in the present Writ Petition is squarely covered by the judgment rendered by learned Single Judge of this Hon'ble Court in W.P.No.14926 of 2020 dated 14.06.2021 and the same was also confirmed by a Division Bench of this

Court in W.A.No.511 of 2021 dated 31.12.2021 and further confirmed by the Hon'ble Supreme Court in Special Leave Appeal No.9032 of 2022 dated 13.11.2022. By following the said orders, the present writ petition also deserves to be disposed of by directing the respondents to consider the case of the petitioner for appointment to the post of Police constables in the vacancies which could not be filled up.

Learned Government Pleader appearing for the respondents had contended that the notification to which the petitioner has responded is dated 30.12.2008 and we are in the year 2022 and all the vacancies which could not be filled up during the year 2008 were tagged on to the next notification and all the vacancies were filled up.

This Court having considered the rival submissions made by the parties is of the considered view that the issue raised in this Writ Petition is squarely covered by the Judgment of this Court which was confirmed by a Division Bench of this Court, in terms of orders passed in W.P.No.14926 of 2020 dated 14.06.2021 which were confirmed by a Division Bench in W.A.No.511 of 2021 dated 31.12.2021 and also further confirmed by the Hon'ble Supreme Court in Special Leave Appeal No.9032 of 2022 dated 13.11.2022. By following the

same, the present Writ Petition also deserves to be disposed of and the respondents are directed to consider the case of the petitioner for appointment to the post of Police Constable and pass appropriate orders in accordance with law. With these observations, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

**SD/-R.KARTHIKEYAN
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To

1. The Chairman, State Level Police Recruitment Board, Andhra Pradesh, D.G.P. Office compound, Lakdikapool, Hyderabad.
2. The Principal Secretary, Home Department, Secretariat Buildings, State of Telangana, Hyderabad.
3. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to SRI.SIVARAJU SRINIVAS, Advocate [OPUC]
5. Two CD Copies
6. One spare copy

S.A.

BS

C.C. TODAY

HIGH COURT

DATED:26/12/2022



ORDER

WP.No.27877 of 2012

DISPOSING OF THE W.P
WITHOUT COSTS.

A handwritten signature in dark ink, slanted upwards to the right. Below the signature, the date "06/01/2023" is written in a similar slanted orientation.