

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
HON'BLE SRI JUSTICE PULLA KARTHIK**

W.P.No.11046 OF 2013

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

Aggrieved by the order dated 21.11.2012 passed in O.A.No.8603 of 2012, by the Andhra Pradesh Administrative Tribunal, Hyderabad, the writ petition is filed.

2. Heard learned Government Pleader for Services-I appearing for the petitioners and Sri C.Raja Sekhar Reddy, learned counsel appearing for the respondent.

3. It is the case of the petitioners that during 2006, they have issued notification for the post of Stipendiary Cadet Training Police Constables, for which the respondent has applied. After undergoing regular selection process, he was selected and sent for training on 23.03.2007. While undergoing training, the respondent had developed health issues and consequently, he was relieved from the training.

As per the Rules, whenever a trainee constable is sick, he will be discharged and his case would be considered in the next training session, that too, after subjecting to medical test. Since the respondent has not successfully completed the training, he was once again sent for training and he was subjected to medical examination, but the respondent has not reported to the training. Finally, after recovery of his illness, the respondent has approached the petitioners in the year 2011 by submitting a representation stating that he should be sent for training. The petitioners have examined the representation of the respondent and rejected *vide* proceedings dated 01.02.2011 on the ground that after discharging the respondent from the training, two training sessions were conducted by the petitioners and the respondent has not reported to those training programs and hence, the question of considering his case for third time does not arise. Aggrieved by the order of rejection dated

01.2.2011, the respondent has approached the Tribunal by filing O.A.No.8603 of 2012. Without appreciating any of the contentions raised by the petitioners, the Tribunal *vide* order dated 21.11.2012 allowed the OA in favour of respondent and directed the petitioners to send the respondent for training in the ensuing batch subject to his medical fitness. Hence, the present writ petition.

4. Learned Government Pleader appearing for the petitioners had contended that appropriate orders be passed in the writ petition by setting aside the order passed.

5. Learned counsel appearing for the respondent had contended that owing to ill-health, the respondent could not complete the training and after recovery from ill-health, he submitted a representation to the petitioners to send him for training, but the petitioners instead of sending him for training, rejected his case *vide* proceedings dated 01.2.2011. Learned counsel had further contended that no prejudice

would be caused to the petitioners, if the respondent is sent for training as the respondent was selected through regular selection process. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

6. Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the Tribunal was justified in disposing of the OA in favour of the respondent. As admittedly the respondent was selected through regular selection process, no prejudice would be caused to the petitioners, if the respondent is sent for training in pursuance of the order passed by the Tribunal.

7. Accordingly, the Writ petition is dismissed. The petitioners are directed to send the respondent for training in the ensuing training programme subject to condition that the respondent is medically fit. It is needless to say that the respondent is not entitled for any service benefits and the

case of the respondent would be considered as a fresh candidate. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

JUSTICE PULLA KARTHIK

Date: 03.02.2023
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