APHC010135492021

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3458]**
(Special Original Jurisdiction)

MONDAY, THE 28th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 7794/2021

Between:

1. CHIKURTHI KISHORE KUMAR, S/O. YESUPADAM AGED 40 YEARS, OCC.SUB-INSPECTOR OF POLICE PRESENTLY WORKING AT PADAMATA PS, VIJAYAWADA, KRISHNA DIST.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE DIRECTOR GENERAL OF POLICE A P, GUNTUR, GUNTUR DISTRICT.
3. THE DEPUTY INSPECTOR GENARAL OF POLICE, ELURU RANGE,ELURU.

...RESPONDENT(S):

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 topleased to issue a writ, order or direction more in the nature of Writ of Mandamus and to declare the impugned proceedings vide C.No.2608/A1/2019 dt.27.05.2020 on the file of the 3rd respondent in rejecting the claim of the petitioner for assigning notional seniority in the rank of Sub-Inspector of Police on par with the selected Sub-Inspectors of 2007 bath selected as per the notification of 2006 by considering the petitioner aggregate marks of 1044.5 secured in the examinations held in APPA as illegal, arbitrary, discriminatory, and in violation of Articles 14, 16 and 21 of the constitution of India and also contrary to the Law laid down by the Hon'ble Apex court passed in CIVIL APPEAL NO. 5862 OF 2007 dt.26.03.2015 and set aside the same

and consequently direct the respondents to consider case of the petitioner to assign the notional seniority on par with 2007 batch of Sub-Inspectors along with all consequential benefits and to pass

IA NO: 1 OF 2021

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 pleased suspend the impugned proceedings vide C.No.2608/A1/2019 dt.27.05.2020 and to pass

Counsel for the Petitioner:

1. HARINATH REDDY SOMAGUTTA

Counsel for the Respondent(S):

1. GP FOR SERVICES I

The Court made the following:

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION No.7794 of 2021

ORDER:-

Heard Sri Harinath Reddy Somagutta, learned counsel for the petitioner and learned Assistant Government Pleader for Services-I appearing for the respondents.

2. Challenging the proceedings of the 3rd respondent in rejecting the petitioner's claim for assigning notional seniority in the rank of Sub Inspector of Police, on par with the 2006 batch, considering the aggregate marks of 1094.5 secured by him in the examination conducted by Andhra Pradesh Police Academy, the instant writ petition is filed.

3. The petitioner contends that he was appointed as a Sub Inspector of Police on 25.02.2012. He was provisionally selected to the said post pursuant to a common recruitment notification issued by the Police Recruitment Board on 15.09.2006. The said provisional selection was cancelled by proceedings dated 18.06.2007 on the ground that the petitioner was alleged to have been involved in a criminal case in Cr.No.63 of 1998. The petitioner contends that although the police registered the said crime against him, the court of Additional Judicial 1st Class Magistrate, Gudivada, had acquitted him in the said case, well before the date of recruitment notification. It is contended that while submitting the application for the said post of Sub Inspector of Police, the petitioner had disclosed about the involvement in the

said case. However, the provisional selection was cancelled vide proceedings dated 18.06.2007, alleging that he was involved in a criminal case. Aggrieved by the said order, the petitioner approached the A.P Administrative Tribunal by way of an application in O.A.No.3646 of 2007. The said O.A. was allowed on 13.11.2009, setting aside the proceedings of cancellation of the provisional selection. In pursuance thereof, the Police Recruitment Board issued proceedings dated 20.01.2010, directing the 3rd respondent to appoint the petitioner as Stipendiary Cadet Trainee Sub-Inspector of Police (Civil Men) in Zone-II. Pursuant to the said orders, the 3rd respondent issued proceedings dated 25.02.2012 and the petitioner was sent for training for a period of 21 months. After the said training, the petitioner was appointed as Sub Inspector of Police vide proceedings dated 23.03.2013. In the Provisional Seniority List dated 01.01.2017, in the category of Sub Inspector of Police in Zone-II, the petitioner's name was not included with the 2006 batch of SI's appointed in 2007. Feeling aggrieved, the petitioner had made a representation dated 06.04.2017 to the 1st respondent. The said request was not considered. The petitioner then filed an application before the Tribunal in O.A.No.1201 of 2017. The Tribunal dismissed the said O.A. on 16.06.2017. Challenging the Tribunal's orders, the petitioner contends that he approached the erstwhile Composite High Court of Andhra Pradesh at Hyderabad by way of a writ petition in W.P.No.2779 of 2018. The said writ petition was disposed of, directing the respondents to consider the representation dated 06.04.2017,

taking into account the orders issued by the Government, within two (2) months from the date of receipt of the order. Accordingly, the 3rd respondent issued proceedings dated 27.05.2020 rejecting the petitioner's claim for admission of seniority along with the 2006 batch. Thus, the petitioner's representation dated 06.04.2017 was rejected. The petitioner contends that the respondents cancelled the provisional selection to the Post of Sub Inspector of Police on the ground that the petitioner was involved in a criminal case. He contends that he made no mistake in disclosing the involvement at the time of recruitment and that it was not pending as on the date of the notification. On account of the aforesaid actions, the respondents have kept the petitioner's appointment in abeyance. The petitioner cannot suffer, given that, as on the date of appointment, no criminal case was pending against the petitioner. The petitioner, placing reliance on the judgment of the Hon'ble Apex Court in the case of ***Vasam Surender Vs. Government of Andhra Pradesh & Others*** and this High Court in W.P.No.18057 of 2004 contends that it has been already held that as long as the individuals are selected in the same recruitment, they cannot be treated as a separate batch with reference to the dates of commencement of the training but must be considered to be part and parcel of the same recruitment batch, to maintain the seniority of the individuals, notwithstanding the fact that the different dates of appointment and commencement of the training. Further, the learned counsel for the petitioner relies on the following judgments:

i) the order of this Court in W.P.No.4712 of 2022 in the case of ***V. Satish Vs. The State of Andhra Pradesh, represented by its Principal Secretary, Home,***

ii) the judgment of Haryana High Court in Appeal (Civil) No.84 of 2008 in the case of ***State of Haryana & Others Vs. Dinesh Kumar,***

iii) and the Division Bench judgement of this Court in W.P.No.4962 of 2014 in the case of ***Government Of Andhra Pradesh, represented by its Principal Secretary Vs. K.Satyanarayana and Others.***

4. The respondents filed a counter-affidavit stating that during the verification of the petitioner's antecedents, it was found that the petitioner was involved in a criminal case in Cr.No.63 of 1998 on the file of Nandiwada Police Station, Krishna District. Subsequently, the said case ended in acquittal. The Chairman, State Level Police Recruitment Board, cancelled the petitioner's provisional selection as he was arraigned as an accused in a criminal case, and consequently declared him disqualified for appointment under Rule 12(1)(A) of the Andhra Pradesh State and Subordinate Service Rules, 1996 read with Rule 3(F) of Andhra Pradesh Police Stipendiary Cadet Trainee Rules,1999. His appointment was cancelled vide proceedings dated 18.06.2007. It was only pursuant to the Tribunal's orders in the O.A. directing the respondents to pass orders, the 3rd respondent issued a Memo

RC.No.372/R&T/Admn.1/2007 dated 20.01.2010 directing issuance of appointment orders to the petitioner as Stipendiary Cadet Trainee Sub Inspector of Police. In light of the same, the petitioner was provisionally selected to the post of SCT SI(Civil)(Men) in Zone-II, by the 3rd respondent and was sent for training. After completing the training, the petitioner was appointed on probation as Sub Inspector of Police vide appointment order dated 23.03.2013 by the 3rd respondent.

5. It is further stated by the respondents that the facts as brought out in the investigation as well as the charge sheet indicate that the petitioner's character is not such as would satisfy oneself that he is a person suitable to be appointed in Government Service more so a discipline force like police. It is not the question of suppression of facts as contended by the petitioner but it is the question of suitability to hold the post of the Government servant in a disciplinary force like Police made the Recruitment Board to cancel the provisional selection of the petitioner for the post of SI. It is further stated that the State Level Police Recruitment Board decided to cancel the provisional selection of the petitioner as SI owing to the unsatisfactory character which is not suitable to be appointed him in Government Service more so in a discipline force like police. The petitioner was appointed as Sub Inspector of Police as per the orders of Andhra Pradesh Administrative Tribunal, Hyderabad passed on 13.11.2009 in O.A.No.3646 of 2007. There was no administrative delay in appointing him to the post of Sub Inspector of

Police provisionally. The petitioner was made to undergo Training along with the next batch of SIs basing on the orders of the Tribunal and orders from the State Level Police Recruitment Board. The petitioner was not sent for training at the first instance due to cancellation of his provisional selection as per rules but he was sent at a later with latest batch basing on the court orders. Since the delay in provisional selection was not on administrative grounds, his claim for fixation of his seniority along with 2007 batch could not be considered. It is contended that per Rule 3 (F) of Andhra Pradesh Police Stipendiary Cadet Trainee Rules, 1999 read with G.O.Ms.No.97 Home (Legal-II) Department, dated 01.05.2006 and Para 17 of the notification Rc.No.486/R&T/Genl.1/2006, dated 15.09.2006 :

> *"No person shall be eligible for appointment to any service by direct recruitment unless he satisfies the selection authority as well as the appointing authority that his character and antecedents are such as to qualify him for such service."*

One should have such character and antecedents as to qualify him for such service. The State Level Police Recruitment Board after verification of character and antecedents of the petitioner came to a conclusion that the petitioner was not suitable to be appointed as Sub Inspector of Police in view of his character and antecedents. The learned Government Pleader for Services-I in support of his contentions relies on the following judgments:

i) the Judgment of the Hon'ble Apex Court in the case of ***State of Uttaranchal and Another Vs. Dinesh Kumar Sharma***[1]

ii) the Judgment of the Hon'ble Apex Court in the case of ***Ganga Vishan Gujrati and Others Vs. State of Rajasthan and Others Vs. State of Rajasthan and Others***[2]

iii) the judgment of the Hon'ble Apex Court in Special Leave Petition (Civil) No.13984 of 2023 in the case of ***Jyostnamayee Mishra Vs. The State of Odisha and Others.***

6. Considered the submissions.

7. The contention of the respondents that the petitioner was not considered suitable for the post is misconceived. Having regard to the fact that none of the conditions of Recruitment Notification, disqualify a person, if involved in any criminal case. And it is not even the case of the respondents that the petitioner had failed to inform the respondents about such an involvement. In any event, when the Courts have negated the contentions of the respondents in the said regard, and set aside all the proceedings and directed the respondents to issue appointment orders, the said contention of the respondents no longer holds good, as it was adjudicated in the earlier

[1] (2007) 1 Supreme Court Cases 683
[2] (2019) 16 Supreme Court Cases 28

round of litigation,and the same has been set aside by the Administrative Tribunal vide its order in O.A.No.3646 of 2007. The issues which have attained finality against the respondents, the respondents, cannot be permitted to re-open re-agitate, or otherwise rely upon the same issues to deny the petitioner the consequential benefit of seniority.

8. In my considered view, the law laid down by Hon'ble Apex Court in Civil Appeal No.6002-6005 of 2007 and batch in the case of ***Vasam Surender Vs. Government of Andhra Pradesh & Others,*** would squarely apply to the case of the petitioner, wherein it has been held by the Hon'ble Apex Court that:

> "***The seniority of candidates, who are selected from a common process of selection, is to be determined on the basis of the final aggregate marks obtained by them, during the course of their training, at the police training college(s) in the State of Andhra Pradesh. That being the mandate of the rule, we are of the considered view, that for candidates who had participated in a common process of selection, irrespective of the dates on which they were deputed for training, their inter se seniority is liable to be determined, on the basis of the aggregate of marks obtained by them, at the final examination at the concerned police training college. This interpretation placed by us on rule 15 of the Service Rules, satisfies the underlying principle given effect to in the rule, namely, that the candidates appointed against the posts of Sub-Inspector of Police, were to be arranged in the seniority list, not on the basis of the marks obtained in the process of selection, but according to the aggregate marks obtained by them, at the culmination of the training processes."***

9. Following the law laid down by the Hon'ble Apex Court in the above case and the judgment of the Coordinate Bench of this Court in W.P.No.4712 of 2022 in the case of ***V. Satish Vs. The State of Andhra Pradesh, represented by its Principal Secretary, Home*** and the Division Bench judgment of this Court in W.P.No.4962 of 2014 in the case of ***Government Of Andhra Pradesh, represented by its Principal Secretary Vs. K. Satyanarayana and Others***, referred *supra*, the writ petition is disposed of directing the respondents to consider the case of the petitioner to assign the notional seniority on par with 2007 batch of SIs. There shall be no order as to costs.

As a sequel, interlocutory applications, pending if any, shall stand closed.

JUSTICE KIRANMAYEE MANDAVA

Date:28.09.2026
ANI

HON'BLE SMT. JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION No.7794 of 2021

Date:28.09.2026

ANI