

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 22400 OF 2023

Between:

Vennapusa Mythri, D/o Malleswar Reddy, aged about 26 years, Occ. Private Employee, R/o H.No.76/230-32/1, Ramrajpalli, Kadapa Town, YSR Kadapa District.

Petitioner

AND

1. The State Of Andhra Pradesh, Rep. by its Principal Secretary, Home Department, Secretariat Building, Secretariat, Velagaputi, Amaravati, Guntur District.
2. The Director General of Police,, Home Department, Mangalagiri, State of Andhra Pradesh, Guntur, Guntur District.
3. The Superintendent of Police,, Kadapa, Kadapa District.
4. The Deputy Superintendent of Police,, Kadapa, Kadapa District.
5. The Station House Officer,, Kadapa-I Town Police Station, Kadapa District.
6. The Union of India,, Ministry of External Affairs, Rep. by its Secretary, New Delhi.
7. The Regional Passport Officer,, Passport office, M.G. Road, Vijayawada, Krishna District
8. Miss.G.Sai Kushala D/o Ramesh Reddy, Age 23 years, Occ.Advocate, R/o 4/724, Gunta Bazar, Kadapa City, Kadapa District, Andhra Pradesh .
R8 is impleaded as per the Order of this Court, dt.21.09.2023 vide order passed in I.A.2 of 2023.

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 an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not initiating to issue the Police clearance certificate PCC to the petitioner to facilitate the Visa from the Consulate General for the state of Kuwait to travel abroad in pursuance of her employment under passport No.W3579790 is highly illegal, arbitrary, unconstitutional and violation of Articles 14, 19 and 21 of the Constitution of India and consequently direct the respondents to issue the Police clearance certificate PCC to the petitioner to facilitate the Visa from the Consulate General for the state of Kuwait to travel abroad in pursuance of her employment under passport No.W3579790 .

IA NO: 3 OF 2023

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 consider the additional set of material papers filing along with instant Interlocutory Application filed in WP No.22400 of 2023, Pending disposal of WP 22400 of 2023, on the file of the High Court.

IA NO: 1 OF 2023

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 issue the Police clearance certificate PCC to the petitioner to facilitate the Visa from the Consulate General for the state of Kuwait to travel abroad in pursuance of her employment under passport No.W3579790 and pass, Pending disposal of WP 22400 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri RAPOLU BHASKAR Advocate for the Petitioner and of GP FOR HOME for the Respondent Nos. 1 to 5, Sri N HARINATH, Deputy Solicitor General of India, for Respondent Nos. 6 and 7 and the Court made the following

ORDER

“This Writ Petition is filed under Article 226 of the Constitution of India seeking the following prayer;

“....pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not initiating to issue the Police clearance certificate PCC to the petitioner to facilitate the Visa from the Consulate General for the state of Kuwait to travel abroad in pursuance of her employment under passport No. W3579790 is highly illegal arbitrary, unconstitutional and violation of Articles 14, 19 and 21 of the Constitution of India and consequently direct the respondents to issue the Police clearance certificate PCC to the petitioner to facilitate the Visa from the Consulate General for the state of Kuwait to travel abroad in pursuance of her employment under passport No. W3579790 and pass....”

Grievance of the petitioner herein is that, she was shown as A3 in Crime No.488 of 2022 of Kadapa I Town Police Station, YSR District, registered for the offences punishable under Sections 120B, 420, 506, 509 and 354 read with 34 IPC. It is further submitted that she completed CA Course and gained employment in Kuwait, and for the said purpose, she made an application for issuance of Police Clearance Certificate on 20.07.2023. On verification of online passport seva division, status tracker, it is found that police verification Report is not clear and application is under review at Regional Passport Office.

It is submitted by the learned counsel for the petitioner that since the petitioner herein intends to travel to Kuwait for job purpose and despite the fact that an application has been made before the authorities, the petitioner could not obtain the Police Clearance Certificate.

A perusal of the material on record goes to show that on the application put up by the petitioner, the Inspector of Police conducted enquiry and during the course of enquiry it was noticed that the petitioner herein was accused in Crime No.488 of 2022. Further, the petitioner was also arrested and released on bail. According to the respondent police, a Criminal case is under investigation.

Irrespective of the said fact, when a representation has been filed for Police Clearance Certificate, it is obligatory on the respondent-police to issue the said certificate mentioning the details of the cases in which petitioner is involved.

In view of the aforesaid reasons, the respondent police are directed to issue a Police Clearance Certificate on or before 09.10.2023 mentioning the details of crime, if any, if the petitioner herein is involved.

Post the matter after two (2) weeks."

Sd/-N.NAGAMMA
ASSISTANT REGISTRAR

//TRUE COPY//

Fd) SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Home Department, Secretariat Building, Secretariat, Velagaputi, Amaravati, Guntur District.
2. The Director General of Police,, Home Department, Mangalagiri, State of Andhra Pradesh, Guntur, Guntur District.
3. The Superintendent of Police,, Kadapa, Kadapa District.
4. The Deputy Superintendent of Police,, Kadapa, Kadapa District.
5. The Station House Officer,, Kadapa-I Town Police Station, Kadapa District.
6. The Union of India,, Ministry of External Affairs, Rep. by its Secretary, New Delhi.
7. The Regional Passport Officer,, Passport office, M.G. Road, Vijayawada, Krishna District .
8. Miss.G.Sai Kushala D/o Ramesh Reddy, Age 23 years, Occ.Advocate, R/o 4/724, Gunta Bazar, Kadapa City, Kadapa District, Andhra Pradesh (Addressess 1 to 8 by RPAD)
9. One CC to SRI. RAPOLU BHASKAR Advocate [OPUC]
10. One CC to Sri N HARINATH, Deputy Solicitor General of India [OPUC]
11. Two CCs to GP FOR HOME ,High Court Of Andhra Pradesh. [OUT]
12. One spare copy.

HIGH COURT

SRKJ

DATED:03/10/2023

POST AFTER TWO WEEKS

ORDER

WP.No.22400 of 2023

DIRECTION

