

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8032 of 2014

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Sudheer Kumar, son of Jago Sharma, resident of Village- Simraha, P.S.-
Madhepura, District- Madhepura

.... Petitioner/s

Versus

1. The Union of India through the Secretary Department of Defence Govt.
of India, New Delhi
2. The Commanding in Chief, Danapur, Contonlement, Danapur
3. The Commanding officer, Bihar Regiment Contral, Danapur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Adv.

For the Respondent/s : Mr. Rajesh Kumar Verma, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 18-02-2015 Heard learned counsel for the parties.

Learned counsel for the respondents having filed counter affidavit as also the application separate petition raising objection in respect of the maintainability of the writ application at the outset submits that since the petitioner was employed in the Indian Army, the remedy for him against the order of his dismissal from service would lie only before the Armed Forces Tribunal.

Learned counsel for the petitioner is not in a position to controvert this settled position in law.

That being so, the preliminary objection raised by

the learned counsel for the respondents is upheld in view of the law laid down by a Division Bench of this Court in the case of **Union of India vs Colonel, Sarat Chandra Mishra**, reported in **2012(3) PLJR**, holding that such matter arising out of Armed Force Service initially will have to be filed/assailed before the Armed Forces Tribunal.

This writ application is therefore not maintainable and is, accordingly, dismissed.

The dismissal of this writ application, however, will not come in the way of the petitioner in approaching Armed Forces Tribunal for redressal of the grievance raised herein.

(Mihir Kumar Jha, J)

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