

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9857 of 2015**

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Rajendra Prasad, son of late Dular Prasad, resident of Village- Sahbajpur, P.O.- Tārtha, Via:- Harnaut, P.S.- Ban (Chandi) District:- Nalanda (State of Bihar) presently resident at Kanhauli More, P.O.- Bazitpur, P.S.- Bihta, District- Patna, State of Bihar employee of B.S.F. posted on the post of Lance Nayak No. 790011556 "B" Company-93 Battalion, Board Security Force at Bakunthpur, Salugura, West Bengal.

.... .... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, North Block- Central Secretariat, New Delhi.
2. The Inspector General, Department of Boarder Security Force, Kadam Talla, New Jalpaiguri, West Bengal.
3. The Commandant Boarder Security Force 93 Battalion Baikunthpur, Salugura (Salugura), West Bengal.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Mahesh Prasad Singh, Advocate.

For the Respondent/s : Mr. S.D Sanjay (Addl. Soc. Gen.)  
Mr. Anshay Bahadur Mathur, CGC.

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**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**  
**ORAL JUDGMENT**

2      10-07-2015      Heard learned counsel for the parties as with regard to the following relief prayed in this writ application:-

"That this is an application for issuance of appropriate writ or writs against the order dated 07.01.2015 issued by Government, Boarder Security Force, 93, Battalion, Baikunthpur, Salugaura, West Bengal whereby petitioner has been directed to either take voluntary retirement or to accept Disable pension and

Command the respondents to allow this petitioner to continue the service as petitioner is to superannuate on 28.02.2012 in due course with Consequential benefits including payment of monthly salary which is not being paid to petitioner after 12 Feb. 2015."

2. Having regard to the fact that no part of cause of action has arisen within the territorial jurisdiction of this Court inasmuch as the impugned show cause notice dated 7.1.2015 was given to the petitioner while he was posted at Baikunthpura, Salugaura in the State of West Bengal in the set up of Boarder Security Force and the petitioner thereafter had also filed his show cause reply on 16.3.2015 while continuing at the same place i.e. Bakunthpur, Salugura (West Bengal), this Court fails to understand, how a writ petition will be maintainable at Patna (Bihar) if the respondents have not passed any final order specially when according to the learned counsel for the petitioner himself the petitioner in absence of any final order on his show cause reply will be still deemed to be working in B.S.F. at his place of posting in the State of West Bengal and entitled for payment of salary allegedly withheld from February 2015.

3. This Court therefore on examination of the materials on record as well as for the reasons indicated above would find that this writ application will not be maintainable before the Patna

High Court as no part of cause of action has arisen within the territorial jurisdiction of this court in terms of Article 226(3) of the Constitution of India.

4. That being so, this writ application fails and is accordingly, dismissed.

**(Mihir Kumar Jha, J)**

Sujit/-

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