

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11264 of 2014

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Govind Kumar Roy, Constable No. 060025298 Son of Shri Kanhaya Lal Roy
Resident of village - Mahawa, P.O. Mahawa, P.S. Biraul, District - Darbhanga

.... Petitioner/s

Versus

1. The Union of India
2. The D.G.P. B.S.F. Kadamtalla, Salugara (W.B.)
3. The Commandant, 93 B.N. B.S.F. Baikunthpur Salugara (W.B.)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey
For the UOI : Mr. Anjani Kumar Sharan, A.S.G.
Mr. Rabindra Sharma, CGC

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 06-12-2017

Heard counsels for the petitioner and the Union of India.

The petitioner is aggrieved by the order of dismissal which has not been annexed to the writ petition.

The petitioner seeks relief of reinstatement on the post of Constable in 93 B.N. B.S.F. While making the said prayer he has not placed on record his order of dismissal/removal from service.

Counsel for the Union of India points out that under the provisions of Border Security Force Rule, 1969 (hereinafter referred to as the 'B.S.F. Rule') specifically Rule 161, the petitioner had remedy before the Deputy Inspector General of Police which he did not avail nor any averments in this respect has been made in the writ



petition.

Counsel for the petitioner is not in a position to dispute the objection as raised by the counsel for the Union of India.

In view of the aforesaid, writ petition is disposed off with liberty to the petitioner to avail other remedy available to him under law.

It goes without saying if the petitioner avails such liberty under Rule 16(1) of the B.S.F. Rule, the same may be considered by the authority without any objection on the point of limitation.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	9/12/2017
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