

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.658 of 2017

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Abhishek Kumar, S/o Late Sati Shankar Sharma, R/o Vill + P.O.- Dighra, P.S.-
Pusa, District- Samastipur.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, Govt. of India, New Delhi.
2. The Director General, BSF, New Delhi.
3. The Deputy Inspector General, Sector Headquarters, BSF, Panthachowk, Srinagar (J&K).
4. The Commandant, 92 BN, BSF, Panthachowk, Srinagar (J&K).
5. The Deputy Commandant, 92 BN, BSF, Panthachowk, Srinagar (J&K).
6. The Company Commander, B Company, 92 BN, BSF, Panthachowk, Srinagar (J&K).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh, Adv.
Mr. Priyadarshi Matyri Sharan, Adv.
For the Respondent/s : Mr. S.D Sanjay (Addl. Soc. Gen.)
Mr. Anshuman Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 30-06-2017

Heard Mr. Rajeev Kumar Singh, learned counsel appearing
for the petitioner and Mr. S.D. Sanjay, learned Additional Solicitor
General.

A preliminary objection has been raised by Mr. Sanjay,
learned Additional Solicitor General on the maintainability of the
writ petition on grounds of absence of territorial jurisdiction.

In view of the law settled by this Court in the judgments
reported in **2014(3) PLJR 3 (Uday Prasad Singh vs. Union of
India)**, **2015(4) PLJR 684 (Azad Prasad Mahto @ Azad Mahto
vs. Union of India)**, **2016(3) PLJR 870 (Sunil Kumar Yadav vs.
The Union of India)** and **2015(2) PLJR 256 (Saryu Singh vs.**



Union of India) and taking note of the undisputed facts that not only the dismissal order impugned at Annexure-1 was passed by the Commandant, 92 Battalion, Border Security Force, Panthachowk, Srinagar, but even the appeal against the said order was preferred by the petitioner at Srinagar in the State of Jammu and Kashmir as manifest from Annexure-10, a mere service of intimation regarding the dismissal of the appeal vide order dated 15.2.2016 impugned at Annexure-2 cannot provide a cause of action to the petitioner to move a writ petition before this Court since no part of cause of action has arisen within the territorial jurisdiction of this Court.

The issue is no more *res-integra* and stands concluded by the judgments referred to above and in fact the observations of the Bench at paragraph 26 of the judgment in **Uday Prasad Singh** (supra) would apply to the present case with all force.

The writ petition is accordingly disposed of affording liberty to the petitioner to move before the appropriate forum for redressal of his grievances.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04-07-2017
Transmission Date	NA

