

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4065 of 2016

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1. Badri Gosai son of Yogeshwar Gosai, resident of Village- Bishunpura,
Police Station- Bishunpura (Danapur), District- Patna (Bihar).
..... Petitioner/s

Versus

1. The Union of India, through the Secretary, Ministry of Defence, New
Delhi.
2. The Chief of Army Staff, General, Army Headquarters, Government of
India, New Delhi.
3. The Defence Secretary, Army Headquarter, Government of India, New
Delhi.
4. The Commanding officer, (Brigadier) Cdr. 73 Mtr. BIK Danapur,
Military Camp, Patna.
..... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Pancham Lal Jaiswal, Adv.
For the Respondent/s : Mr. S.D Sanjay (Addl. Soc. Gen.)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 02-08-2017 Heard Mr. Pancham Lal Jaiswal, learned counsel for the
petitioner and Mr. Ram Anurag Singh, learned Central
Government Counsel.

Mr. Ram Anurag Singh learned Central Government
Counsel raises preliminary objection with regard to the
maintainability of the writ petition in view of the provisions
underlying Section 35 of the Armed Forces Tribunal Act, 2007
which inter alia provides that an appeal against a final order of the
Tribunal would lie before the Supreme Court.

Mr. Jaiswal learned counsel for the petitioner prays for
disposal of the writ petition to enable the petitioner to take
recourse to the remedy so available to him in law.

The writ petition is disposed of accordingly.

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(Jyoti Saran, J)

