

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5990 of 2016

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Pramod Kumar S/o Shri Shankar Prasad Mistri, Resident of Village-
Jhanjhara, P.S.-Jitna, District-East Champaran.

... .. Petitioner/s

Versus

1. The Union of India, through the Secretary, Ministry of Home Affairs, Govt. of New Delhi.
2. The Director General of Border Security Force, CGO Complex, Lodhi Road, New Delhi.
3. The Commandant BTC, BSF Training Centre & School, Meru Camp, Hazaribagh (Jharkhand)
4. The Commandant Hqrs. 119 Battalion, BSF, Seemanagar, Nadia (West Bengal)
5. The Inspector General, HQ, BSF, South Bengal Frontier, Kolkata.
6. The Dy. Inspector General (DIG), SHQ, BSF, Krishna Nagar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar, Adv.
For the UOI	:	Mr. S.D Sanjay (Addl. Soc. Gen.)
		Mr. Kumar Priya Ranjan, CGC

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 20-11-2018

Heard learned counsel for the petitioner and counsel for
the Union of India.

The petitioner was working as a Constable in the
Boarder Security Force, was posted in the District of Nadia (West
Bengal), on account of his absence without proper leave, he was
proceeded departmentally and dismissed from service.

Learned counsel for the Union of India has raised a
preliminary objection that merely because the petitioner is a
resident of State of Bihar will not give a jurisdiction to this Court
to entertain this writ application and grant relief to the petitioner as



the entire cause of action and part thereof has taken place within the jurisdiction of West Bengal and the Calcutta High Court will be the appropriate forum for raising his grievance.

Learned counsel for the petitioner has conceded that he has filed this writ application only because the petitioner is a resident of State of Bihar. Mere residence of a person in this State will not give a jurisdiction to this Court to entertain the writ application when each of the cause of action or part thereof has taken place within the State of West Bengal.

In that view of the matter, this writ application is dismissed as withdrawn with a liberty to the petitioner to take appropriate action in accordance with law before the appropriate court/forum.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.11.2018
Transmission Date	

