

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4644 of 2013

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Brijkishore Singh S/O Late Muneshwar Singh Resident Of Village- Bharauli,
Police Station- Bharauli, Via- Zeradei, District- Siwan (Bihar)

.... Petitioner/s

Versus

1. The Union Of India Through The Secretary, Ministry Of Home Affairs, Govt. Of India, C.G.O. Complex, New Delhi.
2. The Director General, C.R.P.F. C.G.O. Complex, Lodi Road, New Delhi.
3. The Special Director General, North Eastern Zone, C.R.P.F. Guwahati.
4. The Inspector General Of Police Tripura Sector, Usha Bazar, Airport Road, Agartala (Tripura)
5. The Deputy Inspector General, C.R.P.F. Agartala, Tripura.
6. The Commandant 189 B.T. C.R.P.F. Agartala, Tripura.
7. The Commandant 186 B.T. C.R.P.F., Tezu Arunachal Pradesh.

.... Respondents

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Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate
	:	Mr. Girish Chandra Jha, Advocate
For the UOI	:	Mr. Anjani Kumar Sharan, Asst. S.G.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date: 29-01-2018

This writ petition has been filed for setting aside the order dated 30.01.2012 passed by Deputy Inspector General, CRPF Agartala (Tripura) by which punishment of compulsory retirement from the service with 25% deduction from pension and gratuity has been passed against petitioner as well as order passed by Appellate Authority Inspector General of Police, CRPF, Agartala (Tripura) rejecting the appeal of petition as well as order dated 25.12.2012 passed by Additional Director General, CRPF, Agartala (Tripura) dismissing the revision petition filed by petitioner.

The counsel for the respondents has raised a preliminary



issue regarding maintainability of this writ petition in Patna High Court on the ground that no cause of action has arisen within the State of Bihar in order to confer jurisdiction on Patna High Court to entertain the present writ petition. The counsel for the respondents relied upon a judgment passed by Patna High Court as reported in 2016 (3) PLJR 870.

After hearing counsel for the parties on issue of maintainability of present writ petition, this Court finds that this Court lacks territorial jurisdiction over the matter to entertain the present writ petition as no cause of action has arisen within the State of Bihar, in order to confer territorial jurisdiction upon this Court to entertain the present writ petition, as such, present writ petition is not maintainable in Patna High Court and is accordingly dismissed.

However the dismissals of present writ petition will not bar the petitioner from filing writ petition before appropriate Court having jurisdiction over the matter and the concerned Court may take into account the pendency of present writ petition which remain pending from 2013 to 2017 while considering the case of petitioner.

(S. Kumar, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

