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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 9765/2018

SUNNY KUMAR

..... Petitioner

Through: Mr. Pradeep Gupta, Mr. Parinav Gupta,
Ms.Mansi Gupta and Mr. Moazzam Ali,
Advocates.

versus

BORDER SECURITY FORCE AND ORS. Respondents

Through: Mr. Anil Dabas, Advocate for respondents
No. 1 to 3 with Deputy Commandant Vinod
Kumar.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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24.09.2018

This is a petition under Article 226/227 of the Constitution of India.

The petitioner seeks following prayer :

- a) Writ of Mandamus be issued directing the respondents No. 1 and 2 to accept resignation tendered by the petitioner on 25.08.2018 from the post of Constable No. 154506896 (152 V. Vahini) Central Wrestling Team, Border Security Force, with permission to allow him to join his duty with respondent No. 3, Central Industrial Security Force to a higher post of Head Constable as per appointment letter dated 13.08.2018.
- b) Quash Section 8 of the Border Security Force Act, 1968 being ultra virus of Article 14, 21 and 23 of Constitution of India.

- c) Any other appropriate direction or order may also kindly be passed as may be deemed fit and proper in the facts and circumstances of the present case.

Learned counsel for the petitioner submits that the petitioner was forced to approach this Court as the petitioner did not receive any response to his resignation letter dated 25.08.2018.

When the matter came up for hearing on 17.09.2018, we requested learned counsel for the respondents to seek instructions in the matter.

Today, learned counsel for the respondents has handed over a inter office communication dated 20.09.2018. Copy of the same has also been handed over to learned counsel for the petitioner. Learned counsel for the petitioner submits that in view of the said communication, no further orders are required to be passed.

We hope that the respondents will look into the matter expeditiously. As soon as the petitioner reports, he would be relieved in view of the communication dated 17.09.2018, which has already been sent to the concerned officer.

As prayed by Mr.Gupta, counsel for the petitioner, the present petition is disposed of.

Copy of the order be given dasti, as prayed.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 24, 2018 / gr