

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.803 of 2017

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Raj Kumar Singh Son of Late Deo Nandan Prasad Yadav resident of village
Bhola Kurha, P.S. Sirlalla, District - Nawada.

... .. Petitioner/s

Versus

1. The Union Of India and Ors
2. Dy. Inspector General PERS Directorate General Sashastra Seema Bal, East Block - 5, R.K. Puram, New
3. Dy. Inspector General Training Centre, S.S.B. Salontari, Assam.
4. Senior Assistant Director of Accounts P.A.O. S.S.B. M.H.A. East Block IX Level VI, R.K.Puram New D
5. Dy. Inspector General Sector Head Quarters S.S.B. Ranidanga, District Darjeeling West Bengal.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Arun Kumar
For the Respondent/s	:	Mr.S.D Sanjay Addl. Soc. Gen.
		Mr. Mohit Agarwal
		Mr. R. R. Tiwary, Advocates

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 14-11-2019 Heard learned counsel for the parties.

2. The petitioner has put to challenge an order dated 04.08.2016, passed by the Deputy Inspector General, SHQ, SSB, Raniodanga, whereby, in exercise of the powers conferred under Rule 25 read with Rule 18 of the Sashastra Seema Bal Rules, 2009 (hereinafter referred to as 'the Rules), the service of the petitioner has been terminated with immediate effect. He had preferred an appeal against the said order dated



04.08.2016 before the Inspector General, FTR , Head Quarters, SSB, Silliguri which has been dismissed by an order dated 15.09.2016. The said order dated 15.09.2016 passed by the appellate authority is also under challenge.

3. The facts are not at all in dispute. The petitioner was appointed as Sub-Inspector (Ground Duty) in SSB in 2008. It was mentioned in the memorandum of offer of appointment dated 18.02.2008 that on appointment to the said post, he would be on probation for a period of two years. On successful completion of period of probation, he would be considered fit for permanent appointment. He was asked to proceed for training at the training centre if terms and conditions mentioned in the memorandum of offer of appointment were acceptable to him.

4. It was indicated in the appointment letter that the petitioner's appointment was purely on temporary basis, which could be terminated at any time by giving him one month's notice. Further, the petitioner was to be on probation for a period of two years to be extendable at the discretion of the competent



authority with the condition that such extension shall not exceed more than a year. The petitioner was sponsored for training with effect from 21.04.2008. Because of his illness, only nine days after commencement of training, he was referred to medical treatment to Hospital and was diagnosed suffering from “Generalized Tonic Clonic Seizure” (Epilepsy). He remained out of training activities on medical ground and was subsequently allowed earned leave for 30 days. While on leave, he is said to have met with a road accident and sustained injuries in his right shoulder. For the said reason, he overstayed the sanctioned leave from 26.11.2008 to 01.02.2009. He was again sponsored to undergo training with effect from 21.12.2009. Admittedly, he was not in a position to perform any of the exercises essential for training of Sub-Inspector of SSB (Ground Duty). The medical Board was constituted thereafter to find out the suitability of the petitioner for his retention in service. A medical Board and the review Medical Board found the petitioner no fit for operational/CI duty with fire-arms. The petitioner, thus, failed to successfully complete his training.



5. This led to issuance of a show cause notice to the petitioner, when he was posted at SSB, Ranidanga (West Bengal), asking him to explain as to why he may not be terminated from Government service as he had not qualified Sub-Inspector Course (DASI) which was a mandatory condition of service. The petitioner responded to the said show cause notice. After having considered the petitioner's response, the competent authority, i.e., the Deputy Inspector General, SHQ, SSB, Ranidanga arrived at a conclusion that despite having given ample opportunities, the petitioner failed to qualify the training course, which was the mandatory condition of service. It was in aforesaid background that the impugned order dated 04.08.2016 was passed by the Deputy Inspector General, SSB, SHQ, terminating the petitioner from service. The appellate authority did not find any error in the decision of the disciplinary authority and accordingly the petitioner's appeal came to be rejected by an order dated 15.09.2016 passed by the Inspector General, FTR, Head Quarters, SSB, Silliguri, West Bengal.

6. From the facts narrated above, it is evident



that no cause of action has arisen within the territorial jurisdiction of this Court. The order of the disciplinary authority dated 04.08.2016 of termination from service was passed at Ranidanga which is in the State of West Benal. The said order dated 04.08.2016 was communicated to the petitioner when he was working at Ranidanaga. The office of the appellate authority was located at Silliguri. The order rejecting appeal was communicated to the petitioner's residence located in the District of Nawada which falls within the territorial jurisdiction of this Court. It is the case of the petitioner that this Court has territorial jurisdiction to entertain this writ application because the appellate order was communicated to the petitioner at his residential address which falls within the territorial jurisdiction of this Court.

7. I do not find any merit in the said submission of the petitioner. The order dated 04.08.2016 whereby service of the petitioner was terminated at Ranidanga and communicated to the petitioner at Ranidanga situate in the State of West Benchal. The said order dated 04.08.2016 took its effect the moment it was



served on the petitioner at Ranidanga. This view finds support from Supreme Court's decision in case of **Aligarh Muslim University and another Vs. Vinay Engineering Enterprise Ltd.** reported in **(1994) 4 SCC 710**. In my view, therefore, this Court lacks territorial jurisdiction to entertain this writ application.

8. This writ application is, accordingly, dismissed.

9. It goes without saying that I have not gone into the correctness of the impugned orders and decided the matter on the ground of lack of territorial jurisdiction.

(Chakradhari Sharan Singh, J)

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