

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3092 of 2021

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Rohit Patel @ Rohit Kumar, Son of Shri Ramjee Choudhary @ Ram Choudhary, Resident of Village and Post- Mitralok Colony, Pandey Patti, P.S.- Buxar Mufasil, District- Buxar, Bihar-802103

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Home Affairs, Government of India, New Delhi.
2. The Director General, Indo-Tibbet Boarder Police Force, New Delhi.
3. The Inspector General, Indo-Tibbet Boarder Police Force, Eastern Frontier, 19B, Shital Complex, V.S. Marg, Lucknow-266018.
4. The Deputy Inspector General, Indo-Tibbet Boarder Police Force, SHQ Gangtok, Tedorg, Eastern Sikkim, Gangtok
5. The Senani, 48th Vahini, Indo Tibbet Boarder Police Force, Kodha, Katihar, Bihar.
6. The Deputy Senani (Office) Eastern Frontier, Indo Tibbet Boarder Police Force, Office of Inspector General Office, Eastern Frontier, INdo-Tibbet Boarder Police Force, Home Ministry/Government of Bihar, Hal No.01, 03 and 04, 6th Floor, Central Building, Sector H, Aliganj Lucknow (U.P.)-226024
7. The Jag, Branch Eastern Frontier, Indo-Tibbet Boarder Police Force,
8. The Adjutant 48th Vahini, Indo-Tibbet Boarder Police Force, Himandripuram, Sisia Camp, Katiahr, Bihar.
9. The Subedar Major 48th Vahini, Indo-Tibbet Boarder Police Force, Vahini Headquarter, 48th Vahini Indo-Tibbet Boarder Police Force.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar Sinha, Advocate
For the Respondent/s : Mr. Dr. K. N. Singh (Addl. SG)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-03-2021 Heard learned counsel for the petitioner and the respondents.

The grievance of the petitioner in the present writ application is that the appellate authority dismissed the appeal only on the ground of time prescribed for filing appeal as 90



days, whereas the petitioner filed appeal after ten months of termination of the service.

In view of the fact that the appellate authority has not gone into the merit of the appeal, the Court is inclined to allow the writ application.

Accordingly, the appeal is allowed and the order dated 27.05.2019 is hereby quashed. The matter is remitted to the appellate authority to decide the appeal on merit after condoning the delay within a maximum period of three months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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