

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6803 of 2020

Arman Ahmad Khan S/o Ansar Ahmad Khan (Ex RCT (GD) No. - 150080187, UIN- 11061478) Resident of Village and P.O.- Lahwar, P.S.- Keoti, District- Darbhanga.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, Govt. of India, New Delhi.
2. The Director General Sashastra Seema Bal, Ministry of Home Affairs, Govt. of India, New Delhi.
3. The Inspector General Frontier Hqrs., Sashastra Seema Bal, Ministry of Home Affairs, Govt. of India, Khanapara, Guwahati, Assam (PIN- 781022).
4. The Dy. Inspector General Frontier Hqrs., Sashastra Seema Bal, Ministry of Home Affairs, Govt. of India, Khanapara, Guwahati, Assam (PIN- 781022).
5. The Commandant 1st Bn Sonapur, Sashastra Seema Bal, Ministry of Home Affairs, Govt. of India, District - Kamrup (Metro), Assam (PIN- 782402).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Madhu Prasun, Advocate
For the Respondent/s : Mr. S.D. Sanjay (Adsg)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 21-12-2021

Heard learned counsels for respective parties.

In the instant petition, petitioner has prayed for the following reliefs:-

“(i) FOR issuance of appropriate Writ / Writs, Order / Orders, Direction / Directions quashing / setting aside the order of the Respondent No. - 4 i.e. the Dy. Inspector General, Frontier Hqrs., Sashastra Seema Bal, Khanapara, Guwahati, Assam as contained in his Office Order No. - FG/I/BE/445/Appeal- AAK(RCT/GD)/2019/18309-13 dated 05/12/2019 (Annexure - 7), whereby



he upheld the order of the Respondent No. - 5 i.e. the Commandant, 1s Bn Sonapur, Sashastra Seema Bal, District - Kamrup (Metro), Assam as contained in his Office Order No. - F/CT(GD)/AAK/CRC/1s" Bn/2019/-6633-40 dated 15/06/2019 (Annexure -5), wherein the services of the Petitioner was terminated in a very illegal and arbitrary manner and in contradiction with the SSB Act and Rules.

(ii) FOR issuance of appropriate Writ/ Writs, Order/ Orders, (ii) Direction Directions commanding the concerned Respondents to re-instate the services of the Petitioner with all consequential service and monetary benefits with retrospective effect maintaining his seniority.

(iii) FOR any other relief reliefs for which the Petitioner is entitled under law."

The petitioner was appointed to the post of Constable (GD) and he was undergoing training. He has failed to qualify in the basic training for the post of Constable (GD) within a period of two years from the date of his appointment thus his services have been terminated.

The petitioner has not pointed out any lacunae in the order dated 15.06.2019 except stating that the competent authority should have invoke Rule 27 instead of Rule 18 of SSB Rules, 2009. Merely quoting wrong rule does not vitiate order.



That apart, it is undisputed that the petitioner has failed to qualify for the post of Constable training within a period of two years from the date of his appointment, hence, the petitioner has not made out a case. Accordingly, the present writ petition stands dismissed.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

