

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16127 of 2006

Bibhu Shekhar Singh

... .. Petitioner/s

Versus

The Union Of India And Others

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pravin Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Anshuman Singh, CGC
For BSF	:	CGC, UOI

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

Date : 18-07-2022

Heard learned counsels for the parties.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“1. That the petitioner by this application prays for issuance of a writ/writs, preferably a writ in the nature of ‘Certiorari’ for quashing an order of dismissal from the service of petitioner from the organization of Border Security Force who was working as Head Constable as contained in order dated 25th June 2002 vide order no-Estt/Dismissal/BSS/D/8BN/02/9354-82 passed by the Commandant 08 BN B.S.F, Baikunthpur, West Bengal and communicated the same to petitioner’s Home Address i.e. village – Jamhara, P.S. Sour Bazar, District – Saharsa (Bihar) where he came



on leave by which he has been pleased to dismiss the petitioner with effect from 25.06.2002.

1(b) That the petitioner further prays for quashing the order of the appellate authority who has been pleased to dismiss the appeal of the petitioner and the order of dismissal has been communicated to the petitioner by the letter dated 02.07.2003 issued by the Deputy Commandant, Establishment, New Delhi.

1(c) That the petitioner further prays for issuance of another suitable direction to the respondent – authorities to reinstate the petitioner in service with all consequential benefits including the cost of litigation or any other relief/reliefs to which he may be found entitled in law as well in the facts and circumstances of the case.”

3. All the three impugned orders were passed by the office/authorities situated in West Bengal and New Delhi. Merely the petitioner is a resident of State of Bihar, petitioner cannot invoke territorial jurisdiction of High of Judicature at Patna. This Court in the case of **Ashutosh Ranjan vs. The Union of India and Others** in **C.W.J.C. No. 11139 of 2018** decided on 27.04.2022 have elaborately discussed and passed a detailed order with reference to Article 226 (2) of the Constitution. In the light of the aforesaid decision, the present petition stands dismissed on the ground of territorial jurisdiction.



4. The petitioner is at liberty to approach jurisdictional forum. In the event of invoking the territorial jurisdiction Court, the jurisdictional Court may consider Section 14 of the limitation act for the purpose of condonation of delay in invoking appropriate jurisdictional forum.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	21.07.2022
Transmission Date	

