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22.02.2022
Court No. 23
d.g.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 1767 of 2022

Subhojit Ghosh
Vs.
Union of India & Ors.

Mr. Anjan Bhattacharya,
Ms. Anita Shaw.
... for the petitioner

Mr. Arijit Majumdar.
... for the Union of India

Affidavit-of-service filed in Court today is
taken on record.

The petitioner was issued an offer of
appointment as a Constable (General Duty) by the
Boarder Security Force (in short "B.S.F.") on 6th
March, 2021. The petitioner left the training center
on 13th April, 2021. In the letter dated 11th May,
2021 issued by the B.S.F. authority and annexed at
page 19 of the writ petition, it appears that the
petitioner left the training center expressing his
unwillingness to serve in B.S.F. due to compelling
situation at home. The petitioner says that his
mother was ill and as such, he had to leave the
training center and come back. The petitioner was
issued a letter dated 3rd August, 2021 by the
Assistant Commandant (MIN/ESTT), FIR HQ BSF,
South Bengal rejecting his prayer for re-joining. The
petitioner says that he had filed an appeal against
the order rejecting his prayer for re-joining. The said
appeal was filed on 14th December, 2021 and the

same should be disposed of by passing a reasoned order.

On behalf of respondent nos. 2, 3 and 4, it is submitted that the petitioner himself informed the B.S.F. authorities that he is not willing to work in B.S.F. but came to only see the training centre. A letter dated 11th April, 2021 said to have been written by the petitioner is produced by the respondent nos. 2, 3 and 4 in this regard. A copy of this said letter in hindi vernacular is retained with the record.

Without calling for affidavits, I think justice will be sub-served, if I direct the competent authority of the B.S.F. to dispose of the petitioner's appeal preferred on 14th December, 2021 within the period of two months from date by passing a reasoned order after affording the petitioner a reasonable opportunity of hearing. The reasoned order that may be passed shall be communicated immediately to the petitioner. Parties including the Appellate Authority of the B.S.F. before whom the petitioner's appeal is pending, shall act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavit, allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)