

23.09.2022
DL-17
(PP)
Ct.21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 19409 of 2022

Raja Basak
Vs.
Union of India & Ors.

Mr. Debasish Kundu

....for the petitioner.

Mr. Dayashankar Mishra,
Mr. Saket Sharma

....for Union of India.

Supplementary affidavit filed in Court today be retained with the records.

In this writ petition, the petitioner has prayed for setting aside of an order dated July 16, 2021 accepting the resignation of the petitioner. By the impugned order, the Inspector General, STC, Border Security Force (in short "BSF"), Churachandpur, Manipur accepted the resignation of the petitioner. The petitioner made a representation on September 21, 2021 for allowing him to rejoin/ be reinstated in the Force. By a recommendation dated October 18, 2021 issued by the Deputy Commandant (Recruitment) to the Frontier Head Office, BSF, South Bengal, the application of the petitioner was requested to be examined.

Mr. Kundu, learned counsel, appearing for the writ petitioner submits that his representation for reinstatement dated September 21, 2021 should be

considered since he has successfully completed the entire process of recruitment.

Mr. Mishra, learned counsel, appears on behalf of Union of India/respondents and opposes the prayer on the ground that there is no such provision for reinstatement. The writ petitioner has already resigned from the Force and cannot be further considered for reinstatement.

Having considered the rival submissions of the parties and materials placed on record, this Court finds that justice will be sub-served in the event the representation dated September 21, 2021 is considered by the respondent no.5.

Let such representation be considered within 8 weeks from date upon giving a hearing to the writ petitioner in the light of the recommendation dated October 18, 2021. Such representation should be considered in accordance with law and as per the extant policy/rules of BSF.

Let such representation be disposed of with a reasoned order and the same shall be communicated to the petitioner within 2 weeks of passing of the same.

With the directions aforesaid, the writ petition, being **WPA 19409 of 2022**, is **disposed of**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)