

08.
14.11.2022
S.D.

W.P.A. 21461 of 2022

Abhijit Ghosh
Vs.
Union of Inda & Ors.

Mr. Dipanjan Datta
Mr. Atanu Basu
Mr. Sayan Datta
Mrs. Tanusree Bag

... For the Petitioner

Ms. Susmita Saha Dutta

..For the Respondent

Affidavit of service filed in Court today is retained with
the records.

In this writ petition, the petitioner claims for quashing
and setting aside the orders dated May 13, 2015 passed by the
disciplinary authority/respondent no. 4 and order dated
August 29, 2015 passed by the appellate authority.

The petitioner served as a constable in the Border
Security Force (in short "B.S.F.").

During the entire period of the disciplinary proceedings
(from initiation of the said by way of filing of a charge sheet
till the completion of the same by way of an order passed by
the respondent no. 4), the petitioner was stationed at
Jodhpur.

Mr. Datta, learned counsel appearing on behalf of the petitioner submits that since the part of the investigation was conducted in Nadia and the criminal case that was initiated against the petitioner was also at Nadia, this Court has the territorial jurisdiction to entertain the writ petition.

Ms. Saha Dutta, learned counsel appearing on behalf of the respondents submits that this Court has no territorial jurisdiction since the entire disciplinary proceeding was held when the petitioner was serving at Jodhpur.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that it does not have the territorial jurisdiction to entertain the present writ petition.

In the light of the discussions above, the writ petition being **W.P.A. 21461 of 2022** is **dismissed**.

It is, however, made clear that this Court has not gone into the merits of the writ petition.

Since no affidavits have been invited to be filed by the parties, all the allegations contained in the writ petition are deemed not to have been admitted by the parties.

The petitioner will be at liberty to approach the appropriate forum, if so advised.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

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

(Lapita Banerji, J.)