

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 26881 of 2022

Tapas Mallick
Vs.
Union of India & Ors.

Mr. Partha Sarathi Das
Mr. Md. Hafiz Ali
... For the petitioner

Mr. Kaushik Dey
... For the respondents

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

The petitioner was enrolled in the Border Security Force (in short, BSF) as a Constable on August 12, 2007. The last place of posting was at Jaisalmer, Rajasthan. The petitioner availed casual leave of 15 days with effect from July 25, 2011 to August 11, 2011. Thereafter, due to medical exigency, the petitioner did not rejoin at his place of duty.

After conducting disciplinary proceedings, the petitioner was dismissed from service on April 27, 2012. The said order was confirmed by the Appellate Authority on May 16, 2014.

Mr. Partha Sarathi Das, learned counsel appearing on behalf of the petitioner submits that even

though the disciplinary proceedings were initiated and concluded at Rajasthan, the order of dismissal and the order of the Appellate Authority was received by the petitioner at his residence in West Bengal.

Mr. Kaushik Dey, learned counsel appearing on behalf of the respondents submits that this Court has no territorial jurisdiction since the entire disciplinary proceedings were held when the petitioner was stationed in Rajasthan. The said proceedings were also conducted at Jaisalmer, Rajasthan.

Considering the rival submissions of the parties and materials placed on record, this Court is of the view that this Court does not have the territorial jurisdiction to receive, try and entertain the writ petition. This Court relies on a judgment passed by a coordinate Bench reported in (2003) 2 CHN 502 (**Sukanta Mitra v. Union of India & Ors.**).

In the light of the discussions above, the writ petition, being **WPA 26881 of 2022** is **dismissed**.

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

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

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations

contained therein are deemed not to have been admitted by the parties.

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 necessary formalities.

(Lapita Banerji, J.)