

22.11.2023.
Court No.13
Item No. 13
ap

W.P.A. No. 25158 of 2023

**Rajibul Hossen Biswas
Versus
Union of India & Ors.**

Mr. Partha Sarathi Das,
Md. Hafij Ali,
Ms. Shanta Sarkar,
Mr. Debojyoti De.

...For the petitioner.

Mr. Apurba Ghosh,
Mr. Shaunak Ghosh.

...For the respondent nos.1 to 4.

1. Affidavit-of-service filed in Court today by the Counsel for the petitioner be taken on record.
2. The petitioner has filed an appeal under Section 117 of the B.S.F. Act, 1968 read with Rules 67 of the B.S.F. Rules, 1969 against the order of dismissal dated 2nd November, 2022. Initially an appeal was filed before the Inspector General, South Bengal. The same was returned to the petitioner since he was serving under the Inspector General, B.S.F., Tripura.
3. Counsel for the respondents urges a question of maintainability on the ground that this Court has territorial jurisdiction over the Inspector General, B.S.F., Tripura. Counsel for the respondents submits that the only part of the cause of action that arose within the jurisdiction of this Court is the return of the petitioner's appeal by the Inspector General, B.S.F. Bengal.

4. This Court does not find any infirmity in the order of the Inspector General, B.S.F. Bengal.
5. The point of territorial jurisdiction urged by the respondents is indeed sustainable in law.
6. However, this Court, in exercise of power under Article 226 of the Constitution of India, only requests the Inspector General, B.S.F., Tripura to dispose of the petitioner's appeal strictly in accordance with law and the applicable Rules including any bar for entertaining such appeal as expeditiously as possible.
7. With the aforesaid observations, the instant writ petition shall stand disposed of.
8. There will be no order as to costs.
9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)