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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 13th April, 2023

+ W.P.(C) 4702/2023 & CM APPLs. 18106/2023, 18107/2023,
18108/2023

SUNIL KUMAR

..... Petitioner

Through: Mr. Devesh Kumar Malah,
Advocate.

versus

THE DIRECTOR GENERAL, BORDER SECURITY FORCE &
ORS. Respondents

Through: Mr. Vineet Dhanda, CGSC,
Mr. Shubham Prasad, Govt.
Pleader, Mr. Hussain Taqvi,
Ms. Gurleen Kaur, Mr. Archit
Aggarwal, Advocates for UOI
with Mr. Hemendar Singh, DC
(Law) BSF.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. Vide the present petitioner, the petitioner is seeking following reliefs:

“a.) Issue a Writ, order or direction in the nature of Certiorari quashing movement order dated 17.12.2022 (Annexure P-1) whereby the petitioner has been relieved from 178Bn BSF Mathura - U.P. and directed to report at 44Bn BSF, Malda-West Bengal; and

b) Issue a Writ, order or direction in the nature of Mandamus directing the Respondents to process with the Application/representation dated Nil sent by the Petitioner (Annexure P-3) whereby reinstating the Petitioner to 167 Bn

BSF currently posted at Mathura, Uttar Pradesh.”

2. Admittedly, pursuant to the Movement Order dated 17.12.2022 (Annexure P-1), the petitioner has already joined 44 Bn BSF.
3. It is also not in dispute that the petitioner, his wife and daughter are all Human immunodeficiency virus (HIV) positive, and they were earlier taking treatment of Antiretroviral Therapy (ART) from the Government Hospital situated at Mathura and also from All India Institute of Medical Sciences (AIIMS).
4. The petitioner, upon his transfer to 44 Bn. BSF, Malda, West Bengal from 178 Bn. BSF, Baad, Mathura, Uttar Pradesh, is now taking his medical treatment from a hospital situated at Malda, West Bengal.
5. It is also not the case of the petitioner that there is no hospital at Malda, West Bengal, where he has been posted.
6. Accordingly, we do not find any ground to interfere with the Movement Order dated 17.12.2022 issued by the respondent No. 2/The Commanding Officer, 178 Bn. BSF.
7. The present petition is without any merit and the same is accordingly dismissed along with pending applications.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

APRIL 13, 2023
S.Sharma