

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

15.07.2025

Ct. no.2
Daily List Sl. No. 3
Moumita

WPA 17671 OF 2024

Ruchita Roy Manna & Anr.
Vs.
The Union of India & Ors.

Mr. Nikhil Kumar Gupta
Mr. Subhadeep Maitra
.... For the Petitioner

Mr. Rajdeep Mazumder, Ld. Sr. Adv. (D.S.G.)
Mr. Moyukh Mukherjee
....For the respondent nos. 1 to 5.

Mr. Nikhil Kumar Gupta, learned advocate appears for the petitioner.

Mr. Rajdeep Mazumder, learned senior advocate appears for the respondent nos. 1 to 5.

This is a hearing matter on affidavits.

The first petitioner is the wife of the second petitioner. The second petitioner is presently working as ***Sub-Inspector, General Duty at 38th BN, Indo-Tibetan Border Police Force (ITBPF) at Raipur, Chhattisgarh.*** In 2019, the petitioner no. 2 joined at 54th BN. Then he was transferred to 38th BN and presently working there at.

It was alleged by the respondents employer that the petitioner avoided on the one pretext or the other to join the transferred places. It was further alleged that the petitioner did not undergo a training program, which was

a mandatory requirement, as a consequence the petitioner, from the writ petition it appears as was also recorded by a co-ordinate bench in its order dated **October 5, 2024** that the petitioner has three fold grievances which were ventilated through this writ petition. The first is relating to petitioners transferred from 38th BN to elsewhere particularly in view of the conduct of the commandant of such battalion who was the petitioner no. 2. The second is that the pay scale of the petitioner has been arbitrarily reduced. Third is that the presentation of the petitioner has not been considered.

The order dated **October 5, 2024** shows that, at the outset, the respondents have taken the point of territorial jurisdiction on the plea that the entire cause-of-action arose beyond the territorial jurisdiction of this High Court and the respondents also have their offices, wherefrom alleged steps were taken against the petitioner, beyond the territorial jurisdiction of this High Court. On the solitary plea that the permanent residence of the petitioner no. 2 is at Chinsurah, within the jurisdiction of this court, the writ petition was entertained without dismissing the same on the ground of lack of territorial jurisdiction.

Pursuant to the directions made by the co-ordinate bench parties have filed and exchanged their respective affidavits-in-opposition and reply thereto.

After hearing the rival contentions of the parties and upon perusal of the materials on record, it appears to this court that, while examining the grievance of the petitioner in the light of the stand taken by the respondents through their affidavits-in-opposition, a detail fact finding enquiry is required to be made, for which the appropriate departmental authority should be the appropriate authority to decide the issue with reasons by disclosing the supportive materials in support of their reasons, at this stage.

In view of the above, the petitioner shall serve a copy of the writ petition, affidavit-in-opposition and affidavit-in-reply along with a copy today's order and the previous orders upon the respondent no. 3 forthwith.

The respondent no. 3 then upon issuing a prior hearing notice of **at least two weeks** upon the petitioner no. 2 and after granting him an opportunity of hearing shall decide the issue in the light of the pleadings to be served upon him by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no.3 positively within a period of **six weeks** from the date of communication of this order without granting any unnecessary adjournment to the parties. The reasoned order then shall be served upon the petitioner positively within a

further period of **two weeks** from the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the claim of the petitioner and the petitioner shall be at liberty to urge of his points before the respondent no. 3 but the same shall not travel beyond the scope of the writ petition.

While passing the reasoned order the respondent no. 3 shall also disclose and refer to the supportive materials in support of his reasons.

In the event the reasoned order goes in favour of the petitioner then the appropriate authority/authorities shall take all necessary and consequential steps in accordance with law, to give an immediate effect thereto but positively within a period of **four weeks** from the date of the said reasoned order to be passed.

It is further made clear that this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to his claim before the respondent no. 3 strictly in accordance with law.

It is also made clear that, if further challenge comes on the reasoned order to be passed, from the end of the petitioner, then the respondents shall be at liberty to take the point of territorial jurisdiction, if so advised.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 17671 of 2024** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)