

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9940 of 2022

Chandan Kumar Suman s/o Yugal Kishore Paswan, Resident of Village-Tetia, P.O. Tetia Bambar, P.S. Tetia Bambar, District-Munger, posted previously as constable Chandan Kumar Suman E coy, 200 Bn BSF, Gokulnagar, Tripura-799102.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, New Delhi.
2. The Director General Border Security Force, CGO Complex, Lodhi Road, New Delhi-110003.
3. The Inspector General, Border Security Force, HQ, Tripura Frontier BSF, Salbagan, Tripura.
4. The Dy. Inspector General, Border Security Force, HQ, Tripura Frontier BSF, Salbagan.
5. The Commandant, 200 Bn BSF, Gokulnagar, Tripura.
6. The Commandant, 69 Bn BSF, Narayanpur, Malda (West Bengal).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Saroj Kumar Singh, Adv.
For the Respondent/s	:	Mr.Awadhesh Kumar Pandey, Sr. CGC Mr.Avinash Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 31-01-2026 Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

2. Learned Counsel for the petitioner submits that the
present writ petition has been filed with the following reliefs:-

i. For issuance of order (s), direction (s), writ (s), particularly in the nature of writ of certiorari for setting aside the order dated 28-06-2021 passed by Raj Narayan, Mishra Commandant, 200 Bn BSF, Gokulnagar, Tripura-799102 whereby, punishment dismissal from service has been imposed upon him, with immediate effect, for having



committed offence under section 23 of BSF Act, 1968 (hereinafter referred to as the Act).

ii. For issuance of an appropriate order or direction quashing the order dated 28.06.2021 made by the commandant Sri Raj Narayan Mishra against the petitioner of accused number 131007402, Constable, Chandan Kumar Suman 'E' Coy, 200 Bn BSF, who has been tried by SSFC and awarded sentence "To be dismissed from the service" without holding any cogent enquiry to the petitioner.

iii. For issuance of an appropriate writ order or direction commanding the respondents to reinstate the petitioner in BSF, as a constable, GD. Duty.

iv. For issuance of a writ of mandamus directing the respondent No. 3 to consider and dispose of the application of the petitioner which is pending for disposal in the office of the inspector General. Frontier head quarter, Border security force, Salbagan, Tripura.

3. Counsel for the petitioner further submits that the petitioner has filed his representation dated 15.09.2021 which is annexed vide Annexure-3 of the writ petition, in which he relied on judgment passed by Hon'ble Supreme Court of India in case of ***Avtar Singh Vs. Union of India & Ors.*** passed in 15.11.2017 (annexure-4) and submits that no order has been passed in his representation. He further submits that the present writ petition has been filed with limited prayer for entertainment of his representation vide Annexure-3 with Annexure-4.

4. Learned counsel for the Union of India opposes the prayer and submits that the petitioner was enrolled as Constable (GD) on 15.05.2013 and reported to 200 Bn BSF, on permanent



posting dated 28.04.2014. He further submits that a complain was received against the petitioner about pending criminal case against him. In this regard, report has been called for through District Magistrate, Munger in which he had confirmed about the pendency of the criminal case with information that the petitioner and other accused tried to compromise the said case, however, the case is still pending.

5. Counsel further submits that a show-cause was issued against the petitioner and in his reply to the show-cause, he admits about the pendency of the criminal case at the time of his appointment. But he has intimated in the enrollment form that no criminal case pending against him, which is absolutely out and out a false statement. Action has been taken against him for violation of Section 23 of the B.S.F. Act, 1968, following the due procedure and granting full opportunity of examination and cross-examination and order of termination was passed, which was challenged by him before the Appellate Authority by which the order has also been affirmed.

6. Counsel further submits that there is no provision in law that after passing order by the Appellate Authority, a representation should be entertained annexing the order passed by Hon'ble Supreme Court of India, and therefore, the present



writ petition fit to be dismissed.

7. Upon going through the documents and hearing the parties, this Court is of the firm view that the petitioner's service has been treated by the respondent authorities in accordance with the BSC Act, 1968 and whatever opportunity available under law has been provided to him. The prayer of the petitioner for entertainment of his representation after affirmation of termination from Appellate Authority is not permissible in law. Therefore, this Court has not option, but to dismiss the present writ petition.

8. With the aforesaid directions and observations, the present writ application stands dismissed.

(Dr. Anshuman, J)

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