

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10452 of 2026

Chandan Kumar Son of Kamta Prasad, Resident of Rampur Tola, Naibajar,
Post- Takia Karpi, P.S.- Kijhersarai, Karpi, District- Gaya.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, Government of India, New Delhi.
2. The Director General, Border Security Force (BSF), BSF Headquarters, New Delhi.
3. The Inspector General, BSF, South Bengal Fortier, Headquarters at Rajarhat, New Town, Kolkata.
4. The Deputy Inspector General (PSO), South Bengal Fortier, Headquarters at Rajarhat, New Town, Kolkata.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sushant Praveer, Adv.
For the Respondent/s	:	Dr. Krishna Nandan Singh, ASG
		Mr. Manoj Kumar Singh, CGC
		Mr. Ankit Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-07-2026 Heard the parties.

2. The petitioner was duly appointed and enrolled as a Constable GD in BSF on 03.05.2017; while he was in temporary duty at SHQ, BSF in Indreswar Nagar, took a casual leave with effect from 27.10.2022 to 14.11.2022. He was required to join his duty on 15.11.2022, but he failed to do so and overstayed on leave, which resulted into issuance of show-cause notice. But the petitioner did not respond, and finally, the impugned order of dismissal came to be passed on 17.06.2023 by the Commandant, 161 BN, BSF, Panjtilla, Samba, Jammu & Kashmir.



3. Subsequent thereto, the petitioner preferred an appeal by way of statutory petition on 02.01.2026, which further came to be rejected by the Inspector General, Frontier Headquarter BSF South Bengal.

4. Though certain submissions have been made by learned Advocate for the petitioner that the parties have failed to consider that it was not a willful overstay, rather it was occurred under exceptional circumstances, as has been disclosed in the writ petition, however, the same was not taken into consideration while passing the impugned order.

5. Learned Advocate for the Union of India at this stage intervened and submitted that there is a preliminary objection with regard to maintainability of the writ petition, as the entire incidence has taken place in Jammu & Kashmir, besides the fact that statutory petition by way of appeal preferred by the petitioner came to be rejected by the Inspector General having its Headquarter in South Bengal. Since no cause of action has arisen in the jurisdiction of this Court, and as such the writ petition is not maintainable.

6. At this position, learned Advocate for the petitioner seeks permission to withdraw the present writ petition with a liberty to file a memorial or to approach before the Court having



territorial jurisdiction.

7. With the aforesaid liberty, the present writ petition stands closed.

(Harish Kumar, J)

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