

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.198 of 2025

=====

Kapil Muni Singh S/o Awadh Bihari Singh, Resident of village- Kewalpatti,
P.S. - Bihiya, District- Bhojpur (Ara).

... .. Petitioner/s

Versus

1. The Union of India through the Director General of Police, B.S.F, Lodi Enclave, New Delhi.
2. The Deputy Inspector General (PSO), Frontier Head Quarter, B.S.F, South Bengal, Plot No- 11, Action Area-IIE, New Town, Kolkata-700161.
3. The Commandant, 143 Battalion B.S.F, THQ Match Factory, Kanth Bagh, Distt. - Baramulla (J and K)- 193103.
4. The Commandant, 143 Battalion B.S.F, Bhondsi, Battalion Head Quarter, Gurugram, Hariyana.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Additional Solicitor General

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

8 22-06-2026 Heard learned counsel for the petitioner and learned
counsel for the Union of India.

2. The present writ petition has been filed for the
following reliefs:-

“For issuance of an appropriate writ/s, order/s, direction/s to the respondent for quashing order dated 15.05.2024 contained in Letter No-7502-22 issued by respondent Commandant whereby and under the petitioner services has been struck off from the strength of the unit with effect from 15.05.2024 on the ground that he is



undesirable in the force and in exercise of the power provided under section 11(2) of the B.S.F Act 1968 read with rule 177 of B.S.F rules 1969 and under the provisions of Rule 26 of B.S.F Rules 1969, the petitioner has been retired from service with effect from 15.05.2024 with admissible financial benefits as admissible under Rule 18 of the Central Civil Services Rules 2021.”

3. Learned counsel for the petitioner submits that, from Annexure-P/1, it transpires that a show-cause notice has been issued with a prejudiced approach, as according to him, the show-cause notice indicates that the decision had already been taken and that the said notice has been issued merely as a formality. Counsel further submits that the punishment order is based upon an unsustainable show-cause notice. His reply to the show-cause notice has not been considered at all, and the decision to remove the petitioner from service is absolutely illegal and fit to be set aside.

4. Learned counsel for the Union of India, on the other hand, submits that there is no defect in the show-cause notice. Counsel further submits that whatever has been stated in the show-cause notice is nothing but an additional opportunity provided to the petitioner in spite of the fact that eight punishments had already been awarded to him. Counsel further



submits that the reply submitted by the petitioner has also been considered by the competent authority. Sufficient opportunities were granted to the petitioner to improve himself, but he failed to improve his conduct. Counsel further submits that in a force like the BSF, discipline is required to be maintained at all times, and there is a complete lack of discipline on the part of the petitioner. Counsel further submits that no interference is called for in the present case.

5. Upon perusal of the show-cause notice, the original punishment order, as well as the appellate order, it transpires to this Court that the details of the earlier punishments awarded to the petitioner have been incorporated in the show-cause notice. The authority issuing the show-cause notice has only indicated about consistently poor performance of the petitioner and, on that basis, expressed a tentative opinion while calling upon him to show cause as to why action should not be taken under Rule 26 of the BSF Rules, 1969. An indication has also been made as to why he should not be retired from service.

6 It further transpires to this Court that, despite several punishments having been awarded to the petitioner, the authorities did not remove him from service and instead decided to retire him from service. Errors committed in day-to-day work



may be capable of improvement, but where such lapses continue repeatedly despite the imposition of punishments, the conclusion drawn by the authorities that there is no likelihood of improvement on the part of the petitioner.

7. In view of the concurrent findings recorded by the original authority as well as the appellate authority, this Court does not find any reason to interfere in the present matter.

8. Accordingly, the present writ petition stands dismissed.

(Dr. Anshuman, J.)

Aman Kumar/-

U			
---	--	--	--

