GAHC010245672025

2026:GAU-AS:70

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6780/2025

SRI RAJIB DOWERAH
S/O - DURGESHWAR DUWARAH, R/O SANKARNAGAR, W/N-2,P.O. - DHEMAJI, P.S. - DHEMAJI, DISTRICT - DHEMAJI ASSAM,PIN - 787057.

VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF HOME AFFAIRS, GOVERNMENT OF INDIA, NEW DELHI.

2:THE DIRECTOR GENERAL
BORDER SECURITY FORCE
CGO COMPLEX
NEW DELHI
PIN- 110003

3:THE ADDITIONAL DIRECTOR GENERAL (EASTERN COMMAND)
BORDER SECURITY FORCE
KOLKATA
PIN- 700019

4:THE COMMANDANT
40 BN
BORDER SECURITY FORCE
RANINAGAR
JALPAIGURI
WEST BENGAL
PIN- 735121

5:SRI SHANKAR BAHADURE
C/O THE COMMANDANT
40 BN

BORDER SECURITY FORCE
RANINAGAR
JALPAIGURI
WEST BENGAL
PIN- 73512

BEFORE

HONOURABLE MR. JUSTICE DEVASHIS BARUAH

For the petitioner (s) : Mr. D. P. Borah, Advocate

For the respondent (s) : Mr. B. Chakraborty, CGC

Date on which judgment is reserved : NA

Date of pronouncement of judgment : 05.01.2026

Whether the pronouncement is of the Operative part of the judgment? : NA

Whether the full judgment has been Pronounced? : Yes

JUDGMENT AND ORDER (ORAL)

Heard Mr. D. P. Borah, the learned counsel appearing on behalf of the petitioner and Mr. B. Chakraborty, the learned CGC who appears on behalf of the respondent Nos.1 to 4.

2. Taking into account the order which this Court proposes to pass, this Court dispenses with the service of notice upon the respondent No. 5.

3. At the outset, it is relevant to take note that the petitioner

herein is a permanent resident of the district of Dhemaji, Assam. Pursuant to a recruitment process initiated at Dhemaji on 13.11.1998, the petitioner was appointed as a Const. (GD) and joined the Headquarter Sector, Border Security Force at Rani, Azara, Guwahati, Assam. Subsequent thereto, the petitioner was posted at various places. While performing duties as Mess Commander Officer at THQ Mess Factory, Baramulla, a charge-sheet was served upon the petitioner on 20.09.2023, charging him with a total of five charges. The petitioner submitted his written statement to the said charge-sheet. The General Security Force Court conducted fact-finding proceedings and held the petitioner guilty in respect of the third, fourth, and fifth charges by a report dated 01.11.2023.

4. The petitioner, being aggrieved, filed an application under Section 117(1) of the Border Security Force Act, 1968 (for short, 'the Act of 1968'), before the concerned authority. The concerned authority, vide an order dated 22.10.2024, rejected the application filed by the petitioner under Section 117(1) of the Act of 1968, and thereupon an order was passed on 26.10.2024 thereby dismissing the petitioner from service. The petitioner thereafter filed an application under Section 117(2) of the Act of 1968 before the respondent No. 2 on 18.03.2025. The said application, however, has not yet been considered, and it is

under such circumstances that the present writ petition has been filed.

5. This Court has heard the learned counsel appearing on behalf of the parties and is of the opinion that since the petitioner has approached the respondent No. 2 by filing an application under Section 117(2) of the Act of 1968, the said application ought to have been considered.

6. Considering the above, this Court, therefore, disposes of the instant writ petition with a direction upon the respondent No. 2 to consider the application filed by the petitioner on 18.03.2025, which shall be treated as an application under Section 117(2) of the Act of 1968, and dispose of the same within a period of 3 (three) months from the date a certified copy of the instant order is served upon the respondent No. 2.

7. Before parting with the record, this Court, however, makes it clear that this Court has not entered into the merits of the case, and it shall be absolutely within the jurisdiction of the respondent No. 2 to decide the said application filed under Section 117(2) of the Act of 1968 in accordance with law.

JUDGE

Comparing Assistant