

04 06.01.2026
rkd Ct.02
DO

W.P.A. 25169 of 2025

Md. Emam Hoque

-vs-

The Union of India & Ors.

Md. Habibur Rahman

....for the petitioner.

Mr. Ram Chandra Agarwal,
Ms. Anamika Pandey

....for the Union of India.

1. In the writ petition challenge is thrown to the dismissal order dated 17th October, 2025 passed by Commandant 185 Battalion of Border Security Force.
2. A case is made out in the writ petition that against one Imam Hossain son of Duggi a criminal proceeding was initiated being Manikchak PS Case No.443/16 dated 9th October, 2016 but petitioner's name is Md. Emam Hoque son of Md. Tajimul Hoque against whom no criminal proceeding is pending.
3. In consideration of the case made out in the writ petition Court previously passed certain orders directing the police authorities to take certain steps.
4. However, today during course of hearing it is pointed out by the learned advocate representing Union of India that order of dismissal dated 17th

October, 2025 is an appellable order.

5. In view of availability of alternative speedy efficacious remedy this Court does not find it apt to enter into the issue whether against the petitioner criminal case is pending or not at this stage.
6. Hence, writ petition stands disposed of granting leave to the petitioner to prefer appeal against order of dismissal dated 17th October, 2025 by fortnight from date.
7. If appeal is preferred against order of dismissal, appellate authority is directed to decide the same in accordance with law by three months thereafter.
8. Since no affidavit is called for statements made in the writ petition are deemed not to have been admitted.
9. There shall be no order as to costs.
10. Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)