GAHC010242422026

2026:GAU-AS:17188

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

Case No. : WP(C)/6000/2026

NO 000097954 HC GD S ANNAMALAI
S/O- SAMUDAI, R/O- FTR HQ BSF, PATGAON, GUWAHATI DISTRICT-KAMRUP (M), ASSAM. 781017

VERSUS

THE UNION OF INDIA AND 2 ORS
REPRESENTED BY THE MINISTRY OF HOME AFFAIRS, GOVT. OF INDIA, NEW DELHI. PIN-110001.

2:THE DIRECTOR GENERAL
BORDER SECURITY FORCE BSF
BLOCK-10
CGO COMPLEX
LODHI ROAD
NEW DELHI-110003.

3:THE INSPECTOR GENERAL
FTR HQ BSF
PATGAON
GUWAHATI
ASSAM. PIN-78101

Advocate for the Petitioner : MR M A ISLAM, MS L DAS,MR J I MONDAL

Advocate for the Respondent : DY.S.G.I.,

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 20.11.2026

Heard Mr. M. A. Islam, learned counsel for the petitioner and Mr. R. K. Dev Choudhury, learned Deputy Solicitor General of India and Senior Counsel assisted by Ms. L. Devi, learned counsel for the respondents.

[2.] Having regard to the nature of grievance of the petitioner, the writ petition is taken up for disposal at this stage.

[3.] It is the case of the petitioner that he was selected and inducted as a member of the band in the Border Security Force (BSF) in the year 2001 after undergoing the basic training and has ever since been placed as a member of the band in various battalions. According to the petitioner, he was posted in the 124th Battalion of the BSF while being retained as bandsman in the Guwahati Frontier prior to his posting in the North Bengal Frontier. When the 124th Battalion was shifted out and replaced by 157th Battalion of the BSF, the petitioner was posted with the 157th Battalion and retained in the Guwahati Frontier as bandsman. Now, the 157th Battalion has moved to Kashmir and the petitioner is also asked to move along with the Battalion to Kashmir and for which, the petitioner being aggrieved is before this Court.

[4.] The learned counsel for the petitioner submits that the petitioner was recruited as bandsman and inducted as such and as per the existing policy only 20% of the bandsman are transferred on longer stay basis and he happens to be one of the amongst 20% which is scheduled to be considered for transfer in the month of January, 2027. However, even before that time has come, the

petitioner is asked to move along with the 157th Battalion to Kashmir.

[5.] The learned counsel submits that no battalions are allowed to have a band of their own and it is only the Frontier Office which has a band comprising of thirty four (34) members. He, thus, submits that the direction given to the petitioner to move along with 157th Battalion of the BSF to Kashmir is contrary to the policy with regard to the posting of bandsman since the Battalions do not have a band of their own.

[6.] The learned counsel in support of his submissions has relied upon the case of *Mr. D. Gnanan Muthu & 11 Ors. v. Director General of BSF and Anr., [WP No. 34118 of 2024(S-RES)]* rendered by the High Court of Karnataka on 09.04.2026 to contend that the persons recruited to be in the band in the BSF are required to perform only duties assigned to the band platoon.

[7.] Mr. R. K. Dev Choudhury, learned Deputy Solicitor General of India, submits that from the Call Letter given to the petitioner, it is clearly discernible that he was initially inducted as Constable and perhaps due to his interest or expertise in the field of music, he was selected and inducted in the band. The petitioner has in fact been posted in the Guwahati Frontier for the last 12-13 years.

[8.] The Deputy Solicitor General of India, therefore, submits that the petitioner cannot claim to remain in the particular Battalion or a Frontier continuously since there is a policy of posting and transfer as was submitted by the learned counsel for the petitioner. He submits that the petitioner has already been released from the Guwahati Frontier and it is, therefore, incumbent on his part to join the 157th Battalion which has moved to Kashmir.

[9.] I have considered the submissions made by the learned counsels for the parties. The issue as to whether the petitioner was appointed as a bandsman

from day one or he was inducted at a subsequent stage need not detain this Court as it appears that all the bandsman belong to a particular Battalion and in view of their expertise, they are selected to be a bandsman and accordingly posted in the particular frontier to be one of the member of the band of that frontier. The petitioner as well has been a member of Guwahati Frontier as a band member. Since, the trait of the petitioner undisputedly is to be a band member, the respondent authorities, therefore, should consider the same and place him accordingly in the Kashmir Frontier to utilize his service as a bandsman. The petitioner, therefore, cannot insist that he should be retained in Guwahati Frontier by being posted to the new battalion which has replaced the 157th Battalion i.e.; the 127th Battalion. Therefore, the petitioner shall abide by the posting and transfer given to him to move along with the 157th Battalion in Kashmir and the respondent authorities shall consider placing him in the Kashmir Frontier and utilize his service as a bandsman of the frontier.

[10.] With the above observations and directions, writ petition stands disposed of. The interim order passed earlier stands merged with this order.

JUDGE

Comparing Assistant