

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT APPEAL NO. 333 OF 2015

Ajay Mishra S/o Shri Ramji Mishra, aged about 33 years, R/o 191 Aradhana Nagar, Kotra Sultanabad, Bhopal, Civil & Revenue District – Bhopal (M.P.)

... Appellant

Versus

1. Hidayatullah National Law University, through its Vice Chancellor, H.N.L. Bhawan, Civil Lines Raipur, Distt. Raipur (C.G.)
2. Registrar, Hidayatullah National Law University, Raipur, Distt. Raipur (C.G.)

... Respondents

For Appellant : Mr. Vaibhav Shukla, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment on Board

Per NAVIN SINHA, C.J.

16/07/2015

1. The present Appeal arises from order dated 25.2.2015 dismissing Writ Petition (S) No. 1063 of 2009.
2. The Learned Single Judge held that there was no evidence in support of the plea that the Appellant had withdrawn his resignation before its acceptance.
3. Learned Counsel for the Appellant submits that the Appellant continued to discharge duties even after the notice period mentioned in his letter of resignation. The Respondents did not object to his discharge of duties and which amounts to waiver by them of his request for resignation.
4. We have considered the submissions on behalf of the Appellant.

5. The resignation once submitted can certainly be withdrawn before its acceptance. Merely because the time period mentioned in the letter of resignation may have expired and the Respondents did not take a final decision with regard to it, it cannot be deemed that the resignation had been withdrawn. If the resignation was tendered in writing, the withdrawal also had to be express and in writing. So long as the resignation remained alive, the Respondents were fully justified in accepting the same. Moreover, it appears from the impugned order that after accepting the resignation of the Appellant, the Respondents re-advertised the post, in response to which the Appellant participated in the fresh selection process unsuccessfully.

6. We find no reason to interfere with the order under appeal.

7. The Appeal is dismissed.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge