

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4005 of 2010

=====

Bibha Kumari, D/O Bhavesh Sharma, R/O Saini Tola, Anchal- Simri Bakhtiarpur
(South), P.S.- Simri Bakhtiarpur and Distt.- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
 2. Block Development Officer, Simri Bakhtiarpur, Saharsa
 3. District Superintendent of Education, Saharsa
 4. Block Extension Education Officer, Simri Bakhtiarpur, Saharsa
 5. Panchayat Secretary, Simri Bakhtiarpur (South) of Distt.- Saharsa
 6. Headmaster, Middle School, Saini Tola-1, Simri Bakhtiarpur, Distt.- Saharsa
- Respondent/s

=====

Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. Anshuman Singh, AC to AG

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 13-08-2018

Heard learned counsel for the respondents. No one appears on behalf of the petitioner.

2. This writ application was earlier listed on different dates under the heading for admission, but no one appeared on behalf of the petitioner to assist the Court. In the aforesaid circumstance, the case is listed today under the heading “For Dismissal” to provide one more opportunity to the petitioner to assist the Court, but today also no one appears on behalf of the petitioner.

3. The present writ application has been filed in 2010 for a direction to the respondents to allow the petitioner to continue to work as teacher.

4. Learned counsel appearing on behalf of the State



has drawn the attention of this Court to Annexure-2 dated 29.05.2008, the letter of unconditional resignation with effect from 29.05.2008. In the case where the letter of resignation is specific and in the letter of resignation the date of effect is also indicated, the question of subsequent withdrawal loses its significance. The Hon'ble Apex Court has already decided the issue in numerous cases starting from the case of **Raj Kumar Vs. Union of India & Others**, reported in **AIR 1969 SC 180** where the Hon'ble Apex Court has held out that the resignation can be withdrawn before it could be accepted, but in the instant case from perusal of Annexure-2 it is evident that the petitioner has tendered her resignation on 29.05.2008 with effect from 29.05.2008, as such there is no question of acceptance or withdrawal before such acceptance.

5. Under the aforesaid, there is no question of withdrawal of resignation tendered by the petitioner and any question of re-joining and payment of salary. Accordingly, the Court does not find any merit in this application and the same is dismissed.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.08.2018
Transmission Date	

