

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5731 of 2015

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Kavita Kumari Wife of Rabindra Prasad Singh, resident of 36, Nandanpuri, P.O.-
B.V. College, Khajpura Maurya Path, P.S.- Shastrinagar, Patna-14

.... Petitioner

Versus

1. The state of Bihar through the Chief Secretary , Government of Bihar, Patna.
 2. Director General of Police, Bihar, Old Secretariat, Patna.
 3. Additional Director General of Police, Military Police, Bihar, Patna.
 4. D.I.G. of Police, Military Police, Central Zone, Patna
 5. Commandant, Mahila Military Police, Sasaram. Respondents
- =====

Appearance :

For the Petitioner : Mr. Ram Hriday Prasad, Advocate
Maruti Kumari, Advocate

For the Respondents : Mr. Ravindra Kumar, AC to AAG 6

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 03-04-2018

Heard learned counsel for the petitioner and the State.

2. The petitioner seeks quashing of order dated 19.6.2012,
by which the commandant Mahila Military Police, Sasaram accepted
her resignation.

3. It is submitted by learned counsel for the petitioner that
the application for resignation was submitted on 12.6.2012
whereafter on the same day authorities asked her to reconsider her
application for resignation within two days. Pursuant to this letter,
the petitioner submitted the second application on 13.6.2012 and
third application on 14.6.2012 for acceptance of her resignation
tendered by her on 12.6.2012. In the three applications, the petitioner
has expressed her inability/incapability to perform her duty in the
force due to various domestic reasons mentioned in the applications.



The authorities asked her to reconsider the same and even after such opportunity she has persisted with the application for resignation.

4. It is submitted by the counsel for the petitioner that the acceptance of resignation is contrary to the Rule 808 of the Bihar Police Manual, 1978 (herein after referred to as 'the Police Manual') inasmuch as same mandates a two months period of notice. It also mandates that some time should be given to those who offer resignation and the authorities should not be in hurry to accept it.

5. Rule 808 of the Police Manual reads as follows:-

“808. Resignations.- All resignations by Police officers shall be in writing, signed by persons making the application. They are required to give two months notice to be relieved under section 8 of the Police Act but higher authorities may relieve them earlier. A resignation once offered cannot be legally withdrawn but some time should be given to those who offer resignation and the authorities should not be in hurry to accept it”.

6. From perusal of the said Rule, it is quite obvious that two months notice is required to the applicant for giving resignation but the authorities may relieve the employee earlier. The same Rule also contemplates that the resignation once given cannot be legally withdrawn.

7. Learned counsel for the petitioner has submitted that the petitioner was under compelling circumstances as she was pregnant and carrying a baby and as there was none to look after her child in the family, she sought leave but the same was denied to her and as such under the circumstances, she submitted application for



resignation under pressure.

8. There is nothing on the record to show that the petitioner had made any application for leave and she was in any way pressurized by the authorities compelling her to give the application for resignation. On the contrary, she has made repeated applications expressing her inability/incapability to perform her duty due to various reasons including the fact that her husband did not want her to do the police job. Submissions of the petitioner are not factually tenable and do not merit consideration in terms of Rule 808 of the Bihar Police Manual, 1978.

9. The writ petition is dismissed in the aforesaid terms.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	
CAV DATE	NA
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Transmission Date	

