

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8965 OF 2017

Dr. Mrs. Suneeta Sudhir Jagtap : **Petitioner.**

Versus

**The State of Maharashtra
Through Ministry of Education,
Mantralaya and ors.**

: Respondents.

Mr. Ansari S Ali Inayat Ali for the Petitioner.

Mrs. R M Shinde, AGP for the Respondent/State.

Mr. Mandar Goswami for the Respondent No.2.

**CORAM : R. M. SAVANT &
NITIN W. SAMBRE, JJ.**

DATE : 9th OCTOBER 2018

P.C.

1 The Petitioner by the above Writ Petition seeks quashment and setting aside of the impugned orders/letters dated 26/09/2011 and 01/10/2011 issued by the Respondent No.2 accepting the resignation of the Petitioner.

2 It appears that the Petitioner was appointed as a Professor in the Respondent No.2 Medical College. The Petitioner tendered her resignation vide her letter dated 07/09/2011. In the said letter it was mentioned that the same should be treated as one month's notice. The management acted upon the said resignation and vide letter dated 26/09/2011 informed the Petitioner that the same has been accepted from 30/09/2011. It seems that prior thereto

the Petitioner had sought to withdraw her resignation on 29/09/2011, but the same was not acceded to by the management.

3 The Petitioner thereafter approached the High Court at Delhi by way of Writ Petition No.9416 of 2015. It seems that in the said Writ Petition the UGC was joined as a Respondent No.3 and the maintainability of the said Petition before the Delhi High Court was sought to be justified on the said ground. A learned Single Judge of the Delhi High Court found that since no reliefs were claimed against the UGC, the Petition was not maintainable in the Delhi High Court and therefore whilst disposing of the said Petition permitted the Petitioner to approach the Court having the territorial jurisdiction. The same was done by the order dated 06/10/2015. It is thereafter that sometime in February 2017 that the above Writ Petition came to be filed in this Court seeking the reliefs which we have adverted to in the earlier part of this order.

4 The Petitioner is therefore espousing her cause against the acceptance of her resignation in fits and starts. She had approached the Delhi High Court against the orders/letters of the Respondent No.2 of the year 2011 in the year 2015 and after the Delhi High Court disposed of the said Writ Petition filed before it on 06/10/2015 had filed the instant Writ Petition in or around February 2017. Such a Petitioner obviously cannot seek interdiction of this Court in its discretionary jurisdiction under Article 226 and 227 of the

Constitution of India. Hence no reliefs can be granted to the Petitioner. The above Writ Petition is accordingly dismissed.

[NITIN W. SAMBRE, J]

[R. M. SAVANT, J]

Laxmikant
Gopal
Chandan

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by Laxmikant
Gopal Chandan
Date:
2018.10.11
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