

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18479 of 2019

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Kumari Basanti, Wife of Bishram Singh Resident of Village- Bank, P.S.-
Akorhi Gola, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principle Secretary, Department of Education,
Govt. of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Education Officer, Rohtas at Sahsaram.
4. The District Programme Officer (Establishment), Rohtas at Sahsaram.
5. The Block Education Officer, Dehri, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque, Advocate
For the Respondent/s : Mr.Madhaw Prasad Yadav (GP-23)
Mr. Arvind Kumar, AC to GP 23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-09-2019 Heard learned counsel for the petitioner and State.

The only issue involved in the present writ application is whether the petitioner can withdraw the letter of resignation before the acceptance or not.

From the pleading, it appears that the petitioner has tendered resignation on 29.07.2015 and before forwarding his case of resignation for approval, the petitioner has withdrawn the resignation tendered on 27.01.2017.

From perusal of Annexure-6, it appears that the petitioner has tendered resignation in view of the fact that her husband was unwell continuously and as such she was unable



to serve in the school. There is no stipulation in the letter that the resignation shall be effective from a particular date and on such situation the letter of resignation is effective from the date of acceptance of resignation. The law is well settled that before acceptance of resignation, withdrawal of resignation is permissible, however, once the resignation is accepted, the resignation cannot be withdrawn. Reference in this connection may be made to the judgment of Apex Court in the case of **Raj Kumar vs. Union of India, reported in AIR 1969 SC 180** followed by series of judgment of the Apex Court.

In the instant case, before acceptance of the resignation of the petitioner vide Annexure - 7, the petitioner has withdrawn his resignation vide letter dated 27.01.2017.

In view of the law laid down by the Apex Court in the case of Raj Kumar (supra), the resignation tendered by the petitioner was withdrawn by the petitioner before its acceptance and as such the letter of resignation that ceases to exist after Annexure – 7 and, as such, the respondents are required to place the petitioner in service and permit her to serve as Panchayat Teacher, notwithstanding the resignation tendered by the petitioner (Annexure - 6), which was subsequently withdrawn by the petitioner and consequential benefit should be



extended to the petitioner within a period of three months from
the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands
disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

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