

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6791 of 2018

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Santosh Kumar Ray Son of Kesar Lal Ray Resident of Village Bara Istambarar, P.S. Jokihat, District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Regional Deputy Director of Education, Purnia.
3. The District Education Officer, Araria,.
4. The District Programme Officer, Establishment, Araria.
5. The Block Education Officer, Jokihat, District Araria.
6. Mukhiya Gram Panchayat Raj Bara Istambarar, Block and P.S Jokihat, District- Araria.
7. Panchayat Secretary, Gram Panchayat Raj Bara Istambarar, P.S.and Anchal Jokihat, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat, Adv.

For the Respondent/s : Mr. Bijay Bhushan Prasad, AC to Sc13

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 16-08-2022 1. Heard the parties.

2. The petitioner by way of this writ petition submits that he was mislead by respondent nos. 4 and 5 to tender resignation unless criminal case be registered against him and salary shall also be recovered. The petitioner tendered his resignation on 9th July, 2015.

3. Admittedly, the petitioner submitted his resignation on 9th July, 2015, whereafter he stopped working. The petitioner has thereafter filed this petition in 2018 praying for canceling the letter of resignation dated 9th July, 2015 on the ground that he was mislead by respondent nos. 4 and 5 to tender the resignation on the



premises that this Court had passed an order on 22nd June, 2015, in C.W.J.C. No. 15459 of 2014 that if the petitioner does not tender his resignation by 9th July, 2015, he will be dismissed and a criminal case shall be lodged against him.

4. Learned counsel submits that the order passed by this Court was not directed as against the petitioner and he was, therefore misled by the respondents in forcing him to submit his letter of resignation. The petitioner submits that he was working as a regular teacher with the Panchayat and his initial appointment was made on 21.09.2003. His date of birth was 10.12.1986, and was thus less than 18 years of age and this was being considered by the respondents as an act of wrongful appointment, which forced him to submit his resignation.

5. Learned counsel submits that there was no occasion for the petitioner to submit his resignation as there was no minimum age at that time for appointment as a Shiksha Mitra.

6. Learned counsel submits that the forceful resignation at the behest of respondent nos. 4 and 5 tendered by the petitioner, therefore, deserves to be canceled.

7. I have considered the submission, while it may be true to a certain extent that the petitioner had submitted his resignation in circumstances created by respondent nos. 4 and 5. However, it is an admitted position that after 9th July, 2015, the petitioner has



ceased to perform his duties on his own. There is no letter on record for acceptance of resignation. At the same time there is no letter of withdrawal of resignation too. The action of the petitioner in not joining his duty after 9th July, 2015 and having remained away from work, for a long period, and preferring of a petition in the year 2018, shows that the petitioner's intention were to resign. In a way after submitted his resignation he has abandoned his job. There is no letter submitted by him for withdrawing his resignation letter dated 9th July, 2015.

8. In the circumstances, this Court need not go into the question regarding the circumstances in which the petitioner submitted his resignation. The resignation has come into existence and a formal acceptance need not be issued. In the circumstances of the present case, as the petitioner himself ceased to continue on the post and abandoned the same.

9. The writ petition is, therefore, devoid of merit and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 53

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