

10.03.2022
SL No.4
Court No.8
(gc)

WPST 21 of 2022

**Sumita Mandal
Vs.
The State of West Bengal & Ors.**

(Via Video Conference)

Mr. Bikram Banerjee,
Mr. Arkadeb Biswas,
Ms. Dipa Acharyya,
...for the Petitioner.

Mr. Tapan Kumar Mukherjee, Ld. A.G.P.,
Mr. Rajat Dutta,
...for the State.

We have heard the learned Counsel for the appellant and Mr. Tapan Kumar Mukherjee, learned Additional Government Pleader representing the State.

Admittedly, proviso to Rule 34A of the West Bengal Service Rules does not apply to the writ petitioner. However, having regard to the fact that the petitioner has submitted her resignation one month back, we direct the authorities concerned to consider the said application for resignation in accordance with law but not reject it on the ground that no prior permission was obtained by the applicant before applying for the new job.

The fact remains that one month has elapsed since the appropriate authority was approached. In absence of any lien for the post, the authority cannot reject the said application unless there are other provisions which authorizes the authorities concerned for not releasing the

writ petitioner from her present employment. The application for resignation shall now be considered by the Director of Health Services within a period of two weeks from the date of communication of this order.

With the aforesaid observation, the writ petition being WPST 21 of 2022 stands disposed of.

The impugned order is set aside.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)