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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 14970 of 2021

**Alakesh Maji
-vs.-
State of West Bengal & Ors.**

Mr. Ashis Kumar Chowdhury,
Ms. Deborupa Mukherjee
...for the petitioner

Mr. Saikat Banerjee
...for the respondent no. 2

The present challenge is directed against the alleged non-consideration of a letter of withdrawal of his resignation by the petitioner which, according to the learned counsel for the petitioner, has not been considered till date.

Learned counsel indicates that the resignation letter was given under compelling circumstances but was to take effect, even as per the letter itself, three months thereafter. However, the same was accepted prior to the said period, which is August 18, 2017, as such not giving the petitioner leeway for seeking withdrawal. In any event, learned counsel for the petitioner contends that the innocuous prayer of the petitioner in the present writ petition is consideration by the respondent-

authorities of his letter seeking withdrawal of the resignation.

Learned counsel appearing for the respondent no. 2 relies on a communication dated August 18, 2017 annexed at page 41 of the writ petition, which clearly indicates that the then District Judge, Bankura had accepted the resignation letter of the petitioner dated July 18, 2017, on August 18, 2017 and the same was indicated to be treated as final on expiry of three months, that is, on October 17, 2017. As such, after the resignation was accepted by the authorities, the petitioner could not have applied further for withdrawal of the same, since the cause of action of the petitioner for withdrawal stood expired by virtue of the acceptance.

Learned counsel contends that, even apart from the above fact, the petitioner sat tight over the matter and has been issuing stray 'representations' after intermittent lapses of several months on the issue only to create a cause of action for the present writ petition.

As such, it is contended by learned counsel for the respondent no. 2 that the writ petition ought to be dismissed.

It is evident from the annexure at page 41 of the writ petition, bearing Memo No. 1353/XII.2, that the same is a letter of acceptance by the then District

Judge, Bankura dated August 18, 2017, by which the resignation letter of the petitioner dated July 18, 2017 was clearly accepted and was indicated to be treated as final on expiry of three months, that is, on October 17, 2017. The contention of the petitioner, that the three months' moratorium, which the petitioner gave in order to give effect to the resignation, could have been awaited, is neither here nor there. Once a resignation letter is given, even if to take effect from a prospective date, and is accepted by the addressee-authority, even if prior to such prospective date, there cannot remain any further scope of withdrawal of the resignation. Although the date of operation of the resignation was designated to be a future date by the petitioner, once his resignation is issued and accepted from the end of the parties, it is a closed chapter and the petitioner cannot resile from such position and seek withdrawal of his resignation. Upon acceptance, even if immediately after the issuance of resignation letter, such resignation attains finality and there cannot remain any residuary scope of reopening the same and/or withdrawal of the same subsequently by any party.

That apart, the respondent no. 2 is justified in contending that the petitioner occasioned an inordinate delay in preferring the instant writ petition

without any justifiable explanation. Although an effort has been made on behalf of the petitioner to justify the delay on the ground of the ongoing pandemic, at the relevant point of time, when the resignation letter was issued and accepted, there was no scope of operation of any pandemic and the pandemic, that is, Covid-19, commenced in India much thereafter in the year 2020.

In such view of the matter, there cannot remain any scope of withdrawal of the resignation of the petitioner. That apart, due to the inordinate delay in preferring the instant writ petition on the part of the petitioner, who is not a layman or illiterate person which might, perhaps, justify such delay, the instant writ petition ought not to be entertained at all. There cannot remain any scope for directing the respondent-authorities to consider the 'withdrawal' purportedly sought by the petitioner afresh, on the grounds as indicated above.

Accordingly, W.P.A. No. 14970 of 2021 is dismissed without, however, any order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)