

29     31.10.22

Ct. No. 04

Akd

**WP.ST 96 of 2022**

**Dr. Soumendra Datta**

**Vs.**

**The State of West Bengal & Ors.**

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**Mr. D. N. Ray,**

**Mr. S.Ghosh,**

**Mr. Biswarup Nandy.**

**... for the petitioner.**

**Mr. Tapan Kumar Mukherjee,**

**Mr. Biswabrata Basu Mallick,**

**Ms. Tuli Sinha.**

**... for the State.**

The letter of resignation tendered by the petitioner had not been attended to by the competent authority, which led the petitioner to move the Tribunal. However, a plea was taken before the Tribunal that there is a prescribed mode in which the resignation can be tendered and the petitioner had not followed the said prescribed mode.

The learned Advocate for the petitioner candidly submits that though the letter of resignation has not been tendered in the prescribed format, yet the informations, which are required to be divulged in the prescribed format, are self-evident.

Be that as it may, the moment there is a prescribed format for tendering resignation, the same has to be done in such format. We are not unmindful in the proposition of law that if a thing is required to be done in a prescribed manner, the same has to be done in such manner and not otherwise.

In view of the above, we dispose of the writ petition permitting the petitioner to tender resignation in a prescribed format annexed to the instant writ petition at page 187 within a week from date. In the event such application for resignation is filed in such prescribed format, the competent authority is directed

to dispose of the same within two weeks therefrom in accordance with law.

Nothing would stand in the way of the authority to take a decision as permissible in law and shall not be influenced by any observations made in the impugned order passed by the Tribunal.

There will be no order as to costs.

**(Harish Tandon, J.)**

**(Prasenjit Biswas, J.)**