

**29.09.
2022**

Ct. No. 04

Ab

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side.**

WP.ST 101 of 2022

**Dr. Chandrani Mallik
Vs.**

The State of West Bengal and others.

**Mr. D. N. Ray,
Mr. B. Nandy,
Mr. Rajesh Kumar Shaw,
Mr. Sourav Halder.**

... for the petitioner.

**Mr. Tapan Kumar Mukherjee,
Ms. Saheli Mukherjee.**

... for the State.

The instant writ petition is filed assailing an order dated 12th August 2022 passed by the West Bengal Administrative Tribunal in OA 459 of 2022 solely on the ground of the submissions advanced by the State respondents before the Tribunal.

On the basis of such submissions, the petitioner perceived that her letter of resignation has been rejected and/or dismissed on the basis of the modalities provided in the circular dated 15th September 2021.

It was all along the stand of the petitioner that the appropriate authority has not taken any decision on the letter of resignation tendered by her and, therefore, such perception based on the submissions of the Counsel for the State is not justified.

Recently, we have experienced that the submissions are advanced at the behest of the State respondents and when the Court wanted the necessary documents to be produced in support thereof, the inability to produce such documents are eminent and evident from their

conduct.

The instant case is one of such example where the submissions are advanced by the Counsel appearing for the State that the letter of resignation is not in conformity with the mandates given in the circular dated 15th September 2021, yet he was unable to produce such decision.

The fact remains that no decision has been taken on the letter of resignation and, therefore, merely on the basis of the submissions advanced by the Counsel appearing for the State, the petitioner cannot move the writ petition on such ground.

The Tribunal has directed the concerned authority to take a decision on the said letter of resignation tendered by the petitioner within a timeframe, which logically infers that the submissions made by the Counsel appearing for the State were not accepted and, therefore, we do not find any grounds warranting interference with the impugned order.

It is brought to our notice that the time limit framed by the Tribunal in the impugned order has lapsed because of the pendency of the writ petition. We, therefore, extend such time by six weeks from date.

With these observations, the writ petition is disposed of.

There shall, however, be no order as to costs.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

