

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.211 of 2015

Dipika Sahoo

....

Appellant

Mr. P.C. Mishra, Advocate

-versus-

State of Odisha and others

....

Respondents

Mr. M.K. Khuntia, A.G.A.

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

26.09.2022

Order No.

04.

Misc. Case No.380 of 2016

1. For the reasons stated, the delay in filing the appeal is condoned.
2. The Misc. Case is accordingly allowed.

W.A. No.211 of 2015

3. This appeal is directed against an order dated 2nd March 2015 passed by the learned Single Judge dismissing the Appellant's W.P.(C) No.9902 of 2013. The writ petition was filed challenging an order passed by the Sub-Collector, Jajpur rejecting the Appellant's representation that the resignation letter submitted by her from the post of Anganwadi Worker at the Laxminagar-5 Anganwadi Centre on 7th November 2012, should not be accepted since according to the Appellant her signatures were forcibly taken on a blank paper by her in-laws.

4. The learned Single Judge has rightly observed that whether or not the resignation letter was voluntarily submitted by the Appellant is a disputed question of fact which cannot be adjudicated in a writ petition. Consequently, the order of the Sub-Collector was not interfered with.

5. Learned counsel appearing for the Appellant again maintains that it is due to the pressure and harassment of her in-laws, that the Appellant was forced to submit her resignation letter which was obtained mischievously. As observed by the learned Single Judge, this being a highly disputed question of fact cannot possibly be adjudicated in writ proceedings under Article 226 of the Constitution. The Court therefore finds no ground to interfere with the impugned order of the learned Single Judge. The writ appeal is dismissed.

सत्यमेव जयते

(Dr. S. Muralidhar)

Chief Justice

(Chittaranjan Dash)

Judge

S.K. Guin