

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.21908 of 2014 (O&M)
Date of Decision: 11.05.2022**

Gurpreet Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Kapil Kakkar, Advocate for the petitioner.

Ms. Akshita Chauhan, AAG, Punjab for respondent Nos.1 & 3.

Mr. H.S.Jalal, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Article 226 of the Constitution for quashing the impugned order dated 08.09.2014, vide which request of petitioner for withdrawal of resignation from service was declined.

(2) Paper-book reveals that petitioner was appointed as Computer Faculty on contractual basis in pursuance of the advertisement issued in the year 2006. Later on, her services were regularized w.e.f. 01.07.2011, vide order dated 27.09.2011. After marriage, she submitted her resignation from the post in question on 17.09.2013 along with one month's salary and which was accepted by the competent authority, vide order dated 21.10.2013.

Due to family circumstances, she changed her decision while requesting for withdrawal of resignation vide request dated 28.07.2014, but the same was rejected by respondent No.2, while passing the impugned order and the operative part of the same reads as under:-

“Vide your letter under reference, your request for withdrawal of your resignation has been filed.”

(3) Upon notice, reply on behalf of respondent No.2 has already been filed by way of an affidavit dated 21.09.2015 of Sh. Pradeep Kumar Agrawal, Director General School Education, Punjab, justifying the impugned order.

(4) Learned Counsel for the petitioner contended that:-

- 1). in view of Instructions dated 11.06.1998 (P-6), issued by the Government of Punjab, after marriage, the female employee who had tendered resignation from service due to family circumstances can rejoin her duties within ten years in case any post is available;
- 2). order impugned is absolutely non-speaking inasmuch as no reason at all has been assigned by respondent No.2 while rejecting the claim of petitioner;
- 3). in similar circumstances, resignations of three Computer Teachers, namely, Ms. Harleen Kaur, Smt. Amandeep Kaur & Smt. Reetu were ordered to be withdrawn by respondent No.2 vide orders dated 15.03.2010, 21.05.2010 & 25.01.2012 (P-8 to P-10), respectively.

(5) Sensing the situation, learned Counsel for respondent No.2 instead of opposing the contentions raised by learned Counsel for the petitioner upon instructions from concerned quarter submitted that request of petitioner for withdrawal of resignation shall be re-considered in accordance with law at the earliest.

(6) In view of the stand taken by learned Counsel for respondent No.2, but without examining the controversy on merits, present writ petition is allowed.

As a result thereof, impugned order is quashed and set aside. Respondent No.2-Director General School Education, Punjab shall consider and decide the request of petitioner by passing reasoned order in accordance with law within four weeks from receipt of certified copy of this order.

It would be appreciated if the contentions raised on behalf of the petitioner are also kept in view while considering her claim.

It is made clear that in case there is a failure in compliance of this order, petitioner would be at liberty to move an appropriate application for revival of the petition and same shall be considered in accordance with law.

May 11th, 2022
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No