

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 WRIT PETITION NO.13090 OF 2023

MANGESH BABURAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr.A.N.Kakade, Advocate for the Petitioner.
Mr.P.K.Lakhotiya, AGP for the Respondent/State.
Mr.U.B.Bondar, Advocate for the Respondent/Zilla Parishad,
Aurangabad.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : OCTOBER 30, 2023

PER COURT :

1. The Petitioner contends that a resignation was extracted from him by the Management under force and duress. The issue is before the Education Officer (Primary) to verify the said resignation. The Petitioner has also addressed the said Education Officer through a representation. Notice of hearing was given to the Petitioner. However, the matter has not progressed. He prays that the Education Officer may consider the said issue on its own merits within a particular timeline.

2. The learned Advocate Mr.Bondar is the Standing Counsel for the Zilla Parishad, Aurangabad. We, therefore, requested him to assist the Court as there is no purpose in keeping this Petition pending.

3. It is settled law that a resignation can be withdrawn prior to its acceptance. So also a resignation cannot be accepted without following the due procedure laid down in Law. The MEPS Act, 1977 and the Rules of 1981, indicate a particular procedure for the Management to accept a resignation. So also, the Petitioner has raised a grievance of force and duress.

4. In view of the above, **this Petition is disposed off.** Let the Education Officer consider the Law applicable and follow the due procedure in deciding the issue as regards the Petitioner's resignation. A reasonable opportunity of hearing be granted to all the stake holders. A reasoned order be passed. Let this exercise be completed within 60 days.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)