

24.04.2024
Item No. 18
Ct. No. 238
AKG

WPA 1925 of 2024
Subrata Bairagi
Vs.
The State of West Bengal & Ors.

Mr. Shounak Ghosh,
Mr. Anindya Sundar Das,
Mr. Ratul Deb Banerjee,
Mr. Subrata Mandal,
Ms. Paramita Mandal,
Ms. Priya Nayak

...for the Petitioner

Mr. Gourav Das,
Ms. Rajyashree Mukherjee

...for the State

Mr. Nilotpall Chatterjee,
Mr. Satyaki Banerjee

...for the University

Md. Sarwar Jahan,
Mr. Anirban Sarkar

...for respondent nos. 4 & 5

The petitioner was an electrician cum caretaker at Raja Peary Mohan College, Uttarpara, Hooghly. It is not in dispute that he tendered his resignation before the college by a letter dated March 16, 2023. The Governing Body of the college vide its resolution dated April 14, 2023 accepted his resignation.

The report filed by the colleges suggests that the petitioner was not sincere in discharging his duty. The college, however, accepted his resignation and intimated the concerned authorities regarding his resignation. The report further suggests that the relevant post has been abolished by a Government order dated October 5, 2018.

Learned advocate appearing for the petitioner submits that due to some mental pressure, the petitioner mistakenly tendered his resignation letter. He submits that due to some physical ailments, despite his honest intention the petitioner, was temporarily unable to fulfill his duties to the satisfaction of the college.

Learned advocate for the petitioner submits that the petitioner made a representation before the college to withdraw his resignation letter and to allow him join his duty considering his family condition. The same has been rejected.

This Court cannot pass any mandatory order directing the college to reconsider the prayer for withdrawal of resignation letter of the petitioner. It is the discretion of the Governing Body of the college.

In that view of the matter, I grant liberty upon the petitioner to make a fresh representation before the Governing Body of the college to reconsider his prayer for withdrawal of the resignation letter.

If such representation is made within seven days from date, the same shall be considered by the Governing Body within a period of three weeks from date.

WPA 1925 of 2024 is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)