

WPA 2665 of 2019

**Bela Majhi
Vs.
State of West Bengal & Ors.**

**Mr. Rajnil Mukherjee,
Ms. Satabdi Dey,
Mr. Subham Das.**

... for the petitioner

**Ms. Sougata Mitra,
Ms. Soma Chakraborty,
Mr. Nikhil Gupta.**

... for the School Authority

**Mr. Susanta Pal,
Ms. Ananya Neogi.**

... for the State

1. The writ petitioner has tendered resignation on December 27, 2018 from the post of teacher-in-charge of Santaldih Thermal Power Station Girls' High School (H.S.).
2. On December 29, 2018, she writes to the respondent District Inspector of Schools, Secondary Education, Purulia regarding undue threat, caution and force having been exercised upon her, to compel her to tender resignation from the said post. That the same was by some of the members of guardians committee and local hooligans.
3. In this writ petition, she has sought for relief that the resolution dated December 28, 2018 be quashed. That the memo no. 83 dated January 17, 2019 be also quashed.

4. Mr. Rajnil Mukherjee, learned counsel appearing for the writ petitioner has submitted that the resignation letter as above by the present petitioner was not a voluntary act of her but it was forceful resignation due to the reasons of threat of dire consequences executed on her by the extraneous persons.
5. He seeks adequate relief in the writ petition.
6. Mr. Sougata Mitra, learned counsel is appearing for the School Authority. He has relied on the decision vide resolution of the Managing Committee dated December 28, 2018 regarding acceptance of resignation from the post of teacher-in-charge by the present petitioner. He has declined to accept any undue force being exercised upon the petitioner to tender such resignation.
7. Mr. Susanta Pal, learned counsel is representing the State. He submits in tune with the School Authority that the resignation submitted by the writ petitioner was voluntary and subsequently that has been duly accepted by the Managing Committee.
8. In reply, Mr. Rajnil Mukherjee, learned counsel appearing for the petitioner has indicated to a document that is a notice in the letter head of the School Authority, dated December 27, 2018.
9. With reference to the same, he submits that since the Meeting was cancelled by dint of the

said notice, the resolution, as has been relied on by the School Authority would bear no relevance in this case.

- 10.** Heard submissions and perused the records. The allegation is of forceful resignation being obtained by the present petitioner.
- 11.** The only corroborating material is available in the form of a letter of the writ petitioner dated December 29, 2018 which is written after tendering the resignation. There is no withdrawal of resignation by the writ petitioner.
- 12.** The veracity of the resolution, adopted in the meeting of the Managing Committee on December 28, 2018, cannot be challenged at this stage, as the petitioner herself has relied on the same and prayed for an order of dismissal of the same.
- 13.** The notice dated December 27, 2018 appears to be issued by the petitioner herself on the same date of her tendering resolution.
- 14.** There is no material on record to corroborate petitioner's grievance that she has been facing any illegal or unauthorised act by any of the extraneous persons from any previous date, while acting as a teacher-in-charge. All these materials conjointly have indicated to the fact that there is no corroboration to the contention of the writ petitioner regarding forcefully

obtaining a resignation letter from her, from the post of teacher-in-charge of the said school.

15. On the contrary, the petitioner has accepted her terminal benefits, without reserving her rights in future.

16. Accordingly, no merit is found in the present case.

17. A photocopy of the resolution has relied on by the respondent School, be taken on record.

18. This writ petition being WPA No. 2665 of 2019 is dismissed.

19. Urgent Photostat certified copy of this order duly downloaded from the official website of this Court upon compliance all legal formalities.

(Rai Chattopadhyay, J.)