IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

ON THE 2nd OF FEBRUARY, 2024

WRIT PETITION No. 11043 of 2022

BETWEEN:-

SHANKAR LAL GORYA S/O SHRI ATMARAM GORYA, AGED ABOUT 53 YEARS, OCCUPATION: SERVICE, R/O 111, SECTOR A-2, SCHEME NO. 136, INDORE (MADHYA PRADESH)

.....PETITIONER

(BY SHRI LOKESH MEHTA, ADVOCATE.)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY, SCHOOL EDUCATION DEPARTMENT, VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)**

2. **DISTRICT EDUCATION OFFICER, DEO OFFICE, DISTRICT INDORE (MADHYA PRADESH)**

3. **THE CHAIRPERSON, SICA EDUCATION TRUST (REGD.) 14 SANGHI COLONY, INDORE (M.P.) OTHER ADDRESS: 17 AND 17A PHASE II, SCHEME NO. 78, INDORE (MADHYA PRADESH)**

.....RESPONDENTS

(STATE BY SHRI KUSHAL GOYAL, DEPUTY ADVOCATE GENERAL. RESPONDENT NO.3 BY SHRI MURTUZA BOHRA, ADVOCATE.)

This petition coming on for orders this day, the court passed the following:

ORDER

01. The petitioner has filed the present petition challenging the relieving order dated 13.04.2022 whereby he has been relieved from his services of the school on 13.04.2022. According to the petitioner, the petitioner was compelled

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to submit a resignation by the Chairman of the private Trust, that resignation was not a voluntary resignation.

02. The aforesaid are all disputed question of facts which cannot be decided in the writ petition under Article 226 of the Constitution of India. Even otherwise, the respondent No.3 is a private Trust not available to writ jurisdiction under Article 226 of the Constitution of India. It is a settled law that writ petition can be decided when there are disputed question of facts involved.

03. According to the respondents, the petitioner submitted a resignation and same was accepted, all his dues were paid forthwith and he was relieved from his services.

04. In view of the above, Writ Petition stands dismissed as withdrawn with liberty to avail the remedy available under the law.

(VIVEK RUSIA)
JUDGE

Divyansh

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Signed by: DIVYANSH SHUKLA
Signing time: 02-02-2024 18:22:59