

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 14229 OF 2024

Amol Balasaheb Patil

... Petitioner

Versus

The Secretary Shri Shamrao

Patil Yadravkar Educational

And Charitable Trust And Ors

... Respondents

Mr. Aditya Raktade *a/w Mr. Sumit Vhanbatte for the Petitioner.*

Ms. Kavita N. Solunke, *AGP for Respondent / State.*

Mr. Vikram N. Walawalkar *for Respondent No.3-Shivaji University.*

CORAM : SANDEEP V. MARNE, J.

DATE : 18 FEBRUARY 2025.

P.C. :

1) The Petition challenges order dated 15 March 2023 passed by the Presiding Officer, Savitribai Phule Pune University, Shivaji University and Solapur University and College Tribunal, Pune dismissing the Appeal preferred by the Petitioner for want of jurisdiction. The Petitioner also challenges order dated 11 September 2019 by which the resignation tendered by him has been accepted by the Respondent-University.

2) Mr. Raktade, the learned counsel appearing for the Petitioner, on instructions does not press prayer clause (a) relating to

the challenge to the Tribunal's order dated 15 March 2023. He fairly admits the position that the University Tribunal does not have jurisdiction in relation to the employees of college affiliated to Dr. Babasaheb Aambedkar, Technological University, Lonere.

3) So far as challenged to the letter dated 11 September 2019 is concerned, the same merely accepts the resignation tendered by the Petitioner vide letter dated 1 February 2019. Perusal of the said resignation letter dated 1 February 2019 would indicate that Petitioner had tendered resignation, which was conditional. The resignation was to operate in the event of failure on the part of the Petitioner to complete the job assigned to him by 15 February 2019. It appears that the Petitioner did not withdraw the resignation dated 1 February 2019 till the same was accepted on 11 September 2019. It is well settled position of law that an employee tendering resignation has right to withdraw the same either till it is accepted or till it takes effect. In the present case, since the Petitioner failed to withdraw the resignation during long time gap of 7 months, he cannot now turn around and say that the resignation was forcibly obtained for him. I therefore do not find any merit in the contention of the Petitioner *qua* the prayer for setting aside the order dated 11 September 2019.

4) The Writ Petition is accordingly **rejected**.

[SANDEEP V. MARNE, J.]