



CWP-25583-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(292)

CWP-25583-2025

Date of Decision : 12.11.2025

Amit Kumar

...Petitioner

Versus

Punjab and Haryana High Court and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. L.K. Gollen, Advocate
for the petitioner.

Ms. Sonia Sharma, Advocate
for respondents No.1 and 2
(through video-conferencing).

Mr. Kapil Bansal, DAG, Haryana.

KULDEEP TIWARI, J.(ORAL)

1. This Court, vide order dated 23.09.2025, had passed the hereinafter extracted order, upon the instant writ petition :-

“Through the instant writ petition filed under Article 226/227 of the Constitution of India, a challenge is thrown to the letter/ communication dated 19.10.2024 (Annexure P-7), as issued by respondent no.2, whereby, the request of the petitioner for acceptance of technical resignation from the post of Clerk was declined. The petitioner further seeks a direction upon respondent no.3, to treat his resignation as a technical resignation in view of binding judicial precedents and the service conditions of the petitioner. Learned counsel for the petitioner, draws attentions of this Court, towards the 'No Objection Certificate' (NOC) (Annexure P-3) issued by respondent no.2, wherethrough, he was allowed to participate in the



selection process initiated by the Haryana Staff Selection Commission, Panchkula (HSSC) vide Advertisement No.2/2023, dated 21.02.2023, for the post of TGT English (ROH), Category-I, to submit that the petitioner was allowed to participate through proper channel. He further submits that instead of forwarding the petitioner's application to the HSSC, NOC was issued only on the ground that now the applications are required to be submitted through online, therefore, the hardcopy of the NOC could not be sent to the HSSC. In this eventuality NOC was issued. In this regard, a reference can be made to clause-4 of the Advertisement. He further draws attention of this Court towards a judgment passed by a co-ordinate bench of this Court in 'Vikas Sandhu vs. Punjab and Haryana High Court Chandigarh and others', (CWP-21498- 2024, decided on 09.01.2025), which deals with the issue in question. The relevant is extracted hereinafter:-

“9. With regard to the declining of the grant of technical resignation so as to join the new post of Clerk with the PGI, the only objection taken is that the petitioner never participated in the selection process with the permission of the District and Sessions Judge hence, question of grant of permission to join the said post does not arise. The said argument is to be decided keeping in view the order Annexure P-3 attached with the petition by the petitioner. The order dated 11.07.2023 (Annexure P-3), by which the District and Sessions Judge, Karnal gave him the permission to participate is as under:-

“As desired by the learned District and Sessions Judge, Karnal, vide order dated 10.07.2023, you are requested to inform Shri Vikas Sandhu, Additional Ahlmad of your Court that he has been granted permission to apply for the posts of Research Associate and Lower Division Clerk, on direct recruitment basis, advertised by PGIMER,



Chandigarh, vide Advt. No.PGI/RC/035/2023/1676 dated 09.06.2023, subject to the condition that in the event of his selection, he will resign from the post holding in this department and would be governed as per rules/instructions issued by Hon'ble High Court of Punjab and Haryana and Haryana Civil Services (General) Rules, 2016.”

10. Though, it has been mentioned in the letter that the petitioner will have to resign from the post in case, he is selected but, it can be safely said that the petitioner participated for the post of clerk in PGI with the due approval of the District and Sessions Judge, Karnal. Once, the District and Sessions Judge, Karnal is the appointing authority of the petitioner, and the permission was granted to compete for the selection process, it cannot be said that the petitioner participated in the selection process for the post of clerk is without following the due process or without the permission of existing employer. Once, the petitioner participated with the permission of the appointing authority for the post of clerk in the PGI, on being selected, the petitioner is only required to submit a technical resignation so as to join the newly selected post. The petitioner cannot be asked to resign simply. Rather, the resignation has to be on the terms that the petitioner intends to join his new post with the PGI, which technical resignation needs to be accepted. The technical resignation will only give a right to the petitioner to claim certain benefits from PGI authorities in case the same are admissible according to the rules governing the service with the PGI. Hence, the District and Sessions Judge, Karnal is directed to accept the resignation submitted by the petitioner to join the new post on which he has been selected with the PGI authorities which will be treated as a technical resignation and not simple resignation.



11. After accepting the technical resignation, the petitioner, be relieved so as to join the post of clerk with the PGI, Chandigarh.

Prima facie, this Court is of the considered view that the issue, as raised by the petitioner is squarely covered by the judgement (supra). Therefore, let the District and Sessions Judge, Karnal (respondent no.2), reconsider the issue in question in the light of the above said judgment, as well as in terms of the advertisement (supra), and the NOC extended by the then District and Sessions Judge, Karnal, (Annexure P-3), and thereupon, a fresh decision taken thereon.

The decision, so taken, be placed on record, on or before the next date of hearing.

Adjourned to 12.11.2025.

To be taken up immediately after urgent list.

It is made clear that no further request for an adjournment shall be entertained on the next date of hearing, on behalf of either of the parties.”

2. Thereafter, the matter was re-considered by the respondent No.2, and the resignation submitted by the petitioner was ordered to be treated as technical resignation for consequential benefits, in case the same is admissible according to the service rules of the parent department, vide order dated 18.10.2024 (Annexure P-6), which is a part of the record of the instant petition.

3. In view of the above, since the grievance of the petitioner has been redressed, therefore, no further order is required to be passed in the instant writ petition, and the same is hereby **closed**.

4. However, learned counsel for the respondent No.2, is directed to supply the copy of the order (supra), to learned counsel for the petitioner,

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within a period of one week, from the date of receipt of certified copy of this order.

5. With the aforesaid observations, the instant writ petition is disposed of.

(KULDEEP TIWARI)
JUDGE

November 12, 2025
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No