

S/L 13
11.03.2026
Court No.04
B.K.N

F.M.A. 340 of 2021
With
CAN 1 of 2020 (Old No. 831 of 2020)
Kobir Shaikh
Vs.
Union of India & Ors.

Mr. Partha Sarathi Das,
Mr. Md. Hafez Ali,
Mrs. Sudipa Das,
Mr. Agniyoti Chanda

...for the Appellant.

1. Heard the learned advocate for the writ petitioner.
2. The facts not in dispute are petitioner's joining as a Constable (General Duty) in the force on 31.08.2017. His submission of resignation dated 16.09.2017 and acceptance of the same by issuance of a release order on 12.10.2017 is also not in dispute. The petitioner thereafter had gone back home. He returned to the authorities with a request dated 02.04.2018, after six months expressing his willingness to rejoin; and requesting the authorities to allow him to rejoin. The application for rejoining was rejected by a communication issued by the Commandant 50th Bn SSB, Balrampur.
3. The rejection order was put to challenge by the petitioner in a writ proceeding. W.P. 21101(W) of 2018 was dismissed by the Hon'ble Single Judge taking into consideration a settled principle of law that a resignation once accepted, there is no scope for rejoining by the

person whose resignation was accepted. It is not the writ petitioner's case that the resignation was from a future date and that he wanted to resile from the resignation prior to the date on which the resignation was to take effect. In the present case the request for resignation was with immediate effect and the request was further supported by an undertaking given by the writ petitioner on 12.10.2017 to the effect that the resignation had been submitted without any pressure or compulsion. Only thereafter that the resignation was accepted on 12.10.2017.

4. In view of the above noted facts and circumstances we find no infirmity in the decision of the Hon'ble Single Judge dismissing the petitioner's writ petition.
5. The appeal is dismissed. The connected application is also dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)