
(2010) 01 AHC CK 0111
In the Allahabad High Court

Smt. Sandhya Sharma

APPELLANT

Vs

District Judge and Others

RESPONDENT

Date of Decision : 11-01-2010

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2010) 2 AWC 1934 : (2010) 124 FLR 1016 : (2010) 2 UPLBEC 1023

Hon'ble Judges : Amreshwar Pratap Sahi, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Amreshwar Pratap Sahi, J.—Heard learned Counsel for the petitioner and Sri Amit Sthalekar for the respondents.

2. The prayer made in the writ petition is that a writ of certiorari be issued for quashing Annexure-9 to the writ petition ; whereby the resignation of the petitioner has been accepted. The grounds raised are that since the learned District Judge was very much prejudiced against the petitioner, therefore, he did not grant leave to the petitioner which compelled the petitioner to submit her resignation.

3. Sri Amit Sthalekar contends that the resignation letter is unconditional and there was no protest on behalf of the petitioner for continuing in service or for seeking transfer and as a matter of fact, she voluntarily submitted his resignation. The resignation was, accordingly, accepted by the District Judge.

4. This writ petition has been filed after almost 4 years of the acceptance of the resignation letter. In this view of the matter, the reasons given in the writ petition are not sufficient for the purpose of entertaining the writ petition. Apart from this, the resignation having been accepted, has attained finality. The law relating to resignations and their acceptance is well-settled. There was no challenge to the acceptance by the employer for 4 years and consequently the jural relationship came to an end upon acceptance. Reference may be had to the

decision in the case of State Bank of Patiala Vs. Phoolpati,

5. The resignation if was under desperation the same should have been challenged within time and that too if the grounds were available as referred to by the Apex Court in the case of Dr. Prabha Atri Vs. The State of U.P. and Others,

6. No case for interference is made out under Article 226 of the Constitution of India.

7. The writ petition is dismissed.