



**219 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA-320-2021 (O&M)

Date of Decision: 17.09.2025

**MANAGING COMMITTEE HINDU HIGH SCHOOL REWARI AND
ANR**

... APPELLANTS

VS.

STATE OF HARYANA AND ORS

.. RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Mukesh Kumar Verma, Advocate,
for the appellants.

Mr. Puneet Gupta, Additional Advocate General, Haryana.

Mr. Alankrit Bhardwaj, Advocate,
for respondent No.4.

ASHWANI KUMAR MISHRA, J. (ORAL)

1. This appeal is by the employer, questioning the judgment dated 28.01.2020 passed by the learned Single Judge in CWP-23160-2015, whereby the order accepting resignation of petitioner, by the employer, has been set aside. A direction has been issued to allow respondent/petitioner to continue in service and to receive all benefits.

2. Undisputedly, writ petitioner-respondent No.4 was appointed as Head Master of the appellant-institution. Though he was appointed, but his salary was not paid for almost a year. It is also not in dispute that respondent No.4-petitioner continued to work during this period without receiving any salary. It was in this precarious situation where the writ petitioner was forced to work without getting any salary for nearly a year,

that he submitted a three-month notice of resignation to the employer . The notice of resignation dated 21.07.2015 is self-explanatory and is reproduced here-in-below:-

“ From

Headmaster

Hindu High School, Model town, Rewari

July 21, 2015

To

The Secretary/The President

Hindu High School, Model Town, Rewari

Respected Sir

Sub: 3-month notice prior to Resignation

This is to bring to your kind notice that we have not been getting salary since Sept. '14. Neither have we got arrears which have been pending for a long time. All the possible resources are being explored to the fullest to sustain the families. But things are not turning up for the better. The situation is too critical to be ignored any more. All our patience and endurance are severely tested.

It seems to me that there is trust- deficit between the management and the sanctioned-staff. It is quite evident that the Management and the staff are not on the same page. It is detrimental to the future health of this institution. The very existence of the school is at stake.

You must be knowing that I am the only bread winner of my family. I live in a rented accommodation. My daughter is a 3rd year B.com (Hons) student and studying in Kolkata. My only son is studying in a public school. It is practically impossible for me to provide them basic facilities as a father. Anxiety, tension and uncertainty has been eating into the very vital of mine. This acute financial crisis has already crippled me. I am in neck-deep debt. I have failed to pay my insurance premium for the year 2014. It is really tough to maintain the mental equilibrium in such a stressful situation. I can hardly concentrate on my routine work. In fact, I am on the verge of mental collapse. Some initial symptoms of is already detected.

. On the other hand, as a head of the institution I

have some responsibilities & obligations towards the employees. Every now and then, they ask me for salary but I have no ways or means to fulfill my obligation. Pressure is building up. The atmosphere is volatile. It may explode anytime from now. If any untoward incident happens to any of the employees, who will responsible for the eventuality?

. Unfortunately, the state govts' stand in this regard is very indifferent and the edu. Dept. is quite mute. I was expecting more humane and sensitive handling of the issue by the school management and the Haryana education dept. But nothing of the sort has happened till date. As a father and the head, I am unable to discharge my duties appropriately due to the non-payment of salary to the employees for such a long time. A sense of guilt and helplessness overpowers me.

In the light of such an unprecedented scenario, my continuation is not tenable anymore. Hence I would like to submit 3-month notice prior to my resignation so that I could save my innocent children from starvation and you could find a suitable replacement for smooth running of the school.

You are, therefore, requested to make my full & final payment that includes gratuity, annual increment for the years 2014&'15. DA arrears and huge arrear due because of the upward revision of the headmaster's scale by the Education department since Sept. 2014. Kindly ensure that the payment is made before my resignation.

Thanking you

*Yours sincerely
Headmaster
(Dilip kr. Bhattacharyya)''*

3. The above notice clearly indicates that the resignation was to become effective upon the expiry of the three-month notice period, which was to expire on 20.10.2015.
4. The writ petitioner, however, withdrew his notice of resignation on 07.10.2015. He was not allowed to do so on the ground that the Committee of Management had accepted his resignation on 02.08.2015 and this acceptance had been communicated to the Director. According to the

employer, there was deemed approval also by the competent educational authority. Rule 104 of Haryana School Education Rules, 2003 in respect of resignation is reproduced:-

“Resignation.

104. The resignation submitted by a temporary employee of an aided school shall be accepted within a period of thirty days and that by permanent employee within a period of ninety days from the date of receipt of the resignation by the managing committee with the approval of the appropriate authority:

Provided that if no approval is received from appropriate authority within thirty days, then such approval shall be deemed to have been received after the expiry of the said period”

5. The learned Single Judge has come to the conclusion that since resignation was withdrawn before it became effective, the acceptance thereof was arbitrary.

6. Learned counsel for the appellant submits that the decision of Management, dated 02.08.2015, to accept the resignation stood approved, as no communication was received from the Director and therefore, after acceptance of the resignation, it was not open for the employee to revoke his resignation. Reliance is placed upon the Division Bench judgment of Delhi High Court in ***Anirudh Kumar Pandey vs Management Of Modern Public School & Ors, 2018 (2) ESC 1104.***

7. Learned counsel for respondent(s)-writ petitioner, however, places reliance upon the judgment of the Supreme Court in ***'Union of India Vs. Gopal Chandra Mishra and Ors, (1978) 2 SCC 301,*** to submit that an employee can always withdraw the resignation before it is accepted. In the present case, the resignation submitted by respondent No.4-writ petitioner

was in the form of a three-month notice. The resignation letter was to take effect only upon the expiry of the said notice period. The notice period was to expire on 21.10.2015. Therefore, it was open for the writ petitioner to withdraw his resignation before it became effective. In this case, the resignation was withdrawn before the date it became effective. In such circumstances, the learned Single Judge has rightly come to the aid of the writ petitioner by holding that the acceptance of resignation by the employer was impermissible.

8. So far as the judgment of the Division Bench of the Delhi High Court in *Anirudh Kumar Pandey's case (supra)* is concerned, the issue raised therein was somewhat distinct. In that case, the Delhi High Court was dealing with a situation where the resignation was withdrawn after it had already been accepted. The observation of the Division Bench contained in para 17 of the judgment reads as under:-

“17. The settled proposition of law is that once the resignation is accepted, the subsequent withdrawal of the resignation is not permissible. In this case, the resignation of the appellant was accepted on 12.09.2000. The withdrawal of resignation letter by him subsequently is not permissible.”

9. The controversy as to when the resignation became effective was not the subject matter before the Delhi High Court. In the present case, the resignation was in the form of three-month notice and resignation was to come into effect after expiry of the notice period. In such circumstances, the appellants are not entitled to any relief on the strength of Division Bench judgment of the Delhi High Court. Even otherwise, this was not a case of voluntary resignation, as the writ petitioner had clearly highlighted the

precarious situation in which he was forced to take the drastic act on account of non-payment of salary for almost a year.

10. In that view of the matter, we do not find any ground to interfere in the matter. The appeal lacks merits and is, accordingly, dismissed.

11. Pending applications, if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

17.09.2025
smriti

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No