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(2012) 07 JH CK 0130

Jharkhand High Court

Case No: Writ Petition (S) No. 648 of 2005

Linus Kerketta		APPELLANT
	Vs	
The State of Jharkhand and Others		RESPONDENT

Date of Decision: July 9, 2012

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (2012) 07 JH CK 0130

Hon'ble Judges: Alok Singh, J

Bench: Single Bench

Advocate: Shekhar Prasad Sinha, for the Appellant; Piyush Chitresh Sinha, J.C. to G.A. For the State of Jharkhand and Mr. Manoj Tandon, Advocate, For the Respondents No. 9 and 10, for the Respondent

Final Decision: Dismissed

Judgement

Alok Singh

1. The petitioner has challenged the order dated 10th June, 1996 (Annexure 7) passed by the District Superintendent of Education, Gumla (respondent No. 6) whereby he has accorded approval on the acceptance of the resignation of the petitioner with effect from 1.6.1994. Learned counsel for the petitioner has vehemently argued that resignation letter dated 1.6.1994 is fabricated, forged and manipulated and, in fact, the petitioner has not submitted any resignation.

2. On being asked, as to whether the petitioner has ever lodged any police complaint against the office bearers of the Management Committee to the effect that the Management Committee has fabricated, forged and manipulated the alleged resignation letter dated 1.6.1994, learned counsel for the petitioner has fairly stated that no such complaint was ever registered by the petitioner. As to whether resignation letter dated

1.6.194 was submitted by the petitioner at his own or has been forged, manipulated or fabricated by the office bearer of the Management Committee is a disputed question of fact. Disputed question of fact ordinarily shall not be examined by this Court while exercising jurisdiction under Article 226 of the Constitution of India. Moreover, there is no material on record to suggest that the alleged resignation letter dated 1.6.1994 is forged, fabricated or manipulated one. There seems to be no reason for the Management Committee of the School to forge, fabricate or manipulate the resignation letter of the petitioner. It has not been pointed out in the writ petition as to why the Management Committee was after the petitioner and further it has not been pleaded as to whether the office bearers of the Management Committee were having any malice or ulterior motive against the petitioner. Therefore, I am not inclined to examine the disputed question of fact in writ jurisdiction. The writ petition is dismissed.