



CGHC010201082026

2026:CGHC:29852-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 592 of 2026**

Chouksey Engineering College Through Principal, Lal Khadan, Masturi Road, Bilaspur, Dist. Bilaspur (C.G.) Pin 495004

... Appellant**versus**

1 - Ashish Kumar Khandelwal S/o Shri Shyamlal Khandelwal Aged About 44 Years R.O 17/222 Behind Geeta Hotel, Telephone Exchange Road, Bilaspur, Dist Bilaspur, CG State

2 - Ashish Jaiswal The Managing Director of the Chouksey Group of Colleges, Lal Khadan, Masturi Road, Bilaspur, Bilaspur Dist., C.G. State Pin 495004

3 - Chhattisgarh Swami Vivekanand Technical University Through Its Registrar, North Park Avenue, Sector 8, Bhilai Dist Durg, C.G. State

4 - All India Council for Technical Education Through Its Director (Ministry of Human Resource Development, GOI, Nelson Mandela Marg, Vasantg Kunj New Delhi, 110070

... Respondents

For Appellant	:	Dr. Veena Nair, Advocate
For Respondent No.1	:	Mr. Dibyanand Patel, Advocate
For Respondent Nos. 3	:	Mr. Sumit Verma, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

JUDGMENT ON BOARD**Per Ramesh Sinha, Chief Justice****15.07.2026**

1. Heard Dr. Veena Nair, learned counsel for the appellant. Also heard Mr. Dibyanand Patel, learned counsel, appearing for



respondent No.1/ writ petitioner and Mr. Sumit Verma, learned counsel, appearing for respondent No.3.

2. By way of present writ appeal under Section 2 of Sub-Section (1) of the Chhattisgarh High Court (Appeal to Division Bench Act, 2006, the appellant, who was respondent No.1 in the writ petition has challenged the impugned order dated 09.04.2026 passed by learned Single Judge in WPS No. 447 of 2021 (***Ashish Kumar Khandelwal Vs. Chouksey Engineering College & Others***), by which the writ petition filed by the writ petitioner/ respondent No.1 herein has been **disposed of** by the learned Single Judge.
3. Brief facts, necessary for disposal of this appeal, are that the present appeal arises out of the order passed by the learned Single Judge allowing the writ petition preferred by respondent No.1 (writ petitioner). The writ petitioner had challenged the acceptance of his resignation dated 21.09.2020 by the appellant-College and sought a declaration that the resignation was illegal, along with consequential reliefs including reinstatement in service, arrears of salary, service benefits, payment of provident fund, gratuity, leave encashment and other retiral dues. The case of the writ petitioner was that he had been appointed as an Assistant Professor (Lecturer) in the Mechanical Engineering Department of the appellant-College and that his resignation was not voluntary but was submitted under threat and pressure exerted by two of his colleagues. By the impugned order, the learned Single Judge held that the resignation was not voluntary, quashed its acceptance,



and directed reinstatement of the writ petitioner with arrears of salary and all consequential service benefits from the date of acceptance of resignation, i.e., 23.09.2020. Aggrieved thereby, the present appeal has been preferred.

4. Learned counsel for the appellant submits that the learned Single Judge has erred in law and on facts in interfering with the acceptance of the resignation. It is contended that respondent No.1 voluntarily tendered his resignation on 21.09.2020, which was duly accepted by the competent authority on 23.09.2020 in accordance with the applicable rules. It is further submitted that there was no material before the learned Single Judge to conclude that the resignation had been obtained under coercion, threat or undue influence. The allegations against two colleagues were specifically denied by them through affidavits filed before the Court, and there was no independent evidence to substantiate the plea of coercion. It is argued that the learned Single Judge wrongly presumed that an inquiry was mandatory before acceptance of the resignation, though no such requirement exists in law when an employee voluntarily submits a resignation. It is therefore submitted that the impugned order directing reinstatement with full back wages and consequential benefits is unsustainable and deserves to be set aside.
5. Learned counsel appearing for respondent No.1 supports the impugned order and submits that the resignation itself disclosed that it had been tendered under threat and pressure exerted by



two colleagues, namely Chitrakant Tiger and Jai Kishan Gupta. It is contended that despite such a clear assertion in the resignation letter, the appellant-Management accepted the resignation within two days without conducting any inquiry or satisfying itself regarding its voluntariness. It is further submitted that the learned Single Judge rightly held that a resignation obtained under coercion cannot be treated as voluntary and that its acceptance was therefore illegal. Learned counsel further submits that respondent No.1 is also entitled to all consequential service benefits, including arrears of salary and statutory dues, and that the impugned judgment does not warrant any interference in appeal.

6. We have heard learned counsel for the parties and perused the material available on record.
7. The resignation letter dated 21.09.2020 itself records that it was being submitted under threat and pressure from two colleagues. In such circumstances, the Management was required to satisfy itself regarding the voluntariness of the resignation before accepting the same. Admittedly, no inquiry or verification was undertaken by the appellant prior to accepting the resignation on 23.09.2020. The subsequent denial by the concerned colleagues through affidavits cannot cure the failure of the appellant to examine the circumstances existing at the time of acceptance of the resignation. The learned Single Judge has, therefore, rightly concluded that the resignation was not voluntary and that its



acceptance was legally unsustainable. The consequential directions for reinstatement and grant of service benefits naturally follow from the declaration that the acceptance of resignation was invalid. No error of fact or law has been demonstrated by the appellant so as to justify interference in exercise of appellate jurisdiction, as such, this Court finds no infirmity in the order passed by the learned Single Judge warranting interference in the present intra-court appeal.

8. Accordingly, the appeal, being devoid of merit, is **dismissed**. No order as to costs.

Sd/-
(**Ravindra Kumar Agrawal**)
Judge

Sd/-
(**Ramesh Sinha**)
Chief Justice