**Petition for a writ of certiorari under Article 226 of the Constitution of India to quash the order of the  president**

**In the High Court of Judicature at**……….. Petitioner

AB (add description and residence)

Versus

President, Municipal board ……….. District ……….. State of ……….. Respondent

**Petition for a writ of certiorari under Article 226 of the Constitution of India to quash the order of the  president,**

dated ………..

Refusing to Allow Withdrawal of Resignation

The petitioner above named states as under:

1. That he was working as a Superintendent of the Municipal Board at. ………..in the distrust of

that certain charges of misappropriation and other irregularities alleged to be committed by the  petitioner were served on the petitioner on ………..by the Respondent and some investigation was  made in this behalf but the said charges were dropped against the petitioner on or about. ………..

3. That the petitioner was made under duress (or undue influence), to submit a letter of resignation  from service to take effect weeks after the date of submission thereafter. The petitioner asserts that  he was not bound by the contents of the said letter.

4. That the petitioner withdrew by letter, dated the offer Resignation (prior to the data when the

alleged resignation was to take effect) submitted on ………..as stated above, and requested that  the said offer or resignation be not considered and be deemed as withdrawn.

5. That the Respondent rejected the prayer mentioned on para 4 above on……….. by his order,  dated ………..and directed the petitioner to hand over charge of his office to………..

6. that the petitioner moved the Civil Court for a temporary injunction against the respondent to  restrain him from giving effect to the said letter of resignation, in a suit filed for declaration that the  said letter of resignation was not a voluntary one but had been extracted out of the petitioner under  duress (or undue influence) but the Civil Court discharged the rule issued for a temporary in the said  suit, as prayed for.

7. That the petitioner also submitted a representation to the representation to the State Government  on ………..but the same has not yet been decided.

8. That being arrived by the order of the respondent, dated ……….. The petitioner approaches this  Hon'ble Court for issue of a writ of certiorari and such other direction and order as it may deem just,  in the following among others.

Reasons

a. That the suit filed by the petitioner, as stated in para 6 above, has become in fructuous, the relief by  means of a suit is not an equally adequate and efficacious one in the circumstance of this case.

b. That the letter of resignation abovementioned was to take to effect on or thereafter, it was not  an unconditional resignation, the petitioner had a right to intimate to the Respondents that he no  longer wished that his offer of resignation which was to come into existence from should be  considered as effective. Till ………..there was no resignation at all.

c. That the Respondent had no jurisdiction to reject the prayer contained in this letter, dated  ………..withdrawing from consideration the offer of resignation submitted as alleged.

9. It is, therefore prayed that the order of the Respondent, dated ………..mentioned above be  quashed and such other direction or order as may be consequential and just in this behalf be made  or passed.

N.B. - An affidavit in support of the petition along with the copy of the order, dated ……….. abovementioned,

and sought to be quashed, is also filed herewith.

Dated ……….. Petitioner  Counsel for the petitioner.