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IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4077 of 2011

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Ram Bachan Singh S/O Ram Kumar Singh R/O Vill.- Jhawan, P.O.- Benwalia, P.S.- Bihiya, Distt.- Bhojpur, at present posted as Assistant Teacher, Chandrika Das Sanskrit High School, Dhaori, Bhojpur

.... Petitioner

Versus

1. The State of Bihar Through The Secretary Human Resources Department, Government of Bihar, Patna
2. The Director, Bihar Sanskrit Shiksha Board, Patna, Bihar
3. The Chairman/Secretary Bihar Sanskrit Shiksha Board, Patna, Bihar
4. The District Magistrate, Bhojpur, Arrah
5. The District Education Officer, Bhojpur, Arrah
6. The Head Master, Chandrika Das Sanskrit High School, Dhaori, Bhojpur

.... Respondents

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Appearance :
For the Petitioner/s : Mr. Ashok Kumar Singh
For the Respondent/s : AC to Addl. Advocate General – 3
Mr. S.S.Jha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7. 14-12-2015 Heard learned counsel for the petitioner, learned A.C. to Addl. Advocate General – 3 as well as Sri Shashank Shekhar Jha, learned counsel, who appears on behalf of respondent/Bihar Sanskrit Shiksha Board.

In the present writ petition, the petitioner has made a prayer for quashing of Annexure – 6 to the writ petition, whereby, the representation filed by the petitioner for payment of arrear of salary from 25-10-1989 to 31-03-2002, has been rejected.

In this case, a counter affidavit has been filed on behalf of respondent no. 3/Bihar Sanskrit Shiksha Board.

In the counter affidavit, though a stand has been taken that appointment of the petitioner has been approved in the year

2004, it does not indicate as to what was the reason for passing the impugned order i.e. Annexure – 6 without assigning any reason. Once the petitioner's representation claiming due salary was filed before the Secretary of the Sanskrit Shiksha Board, in any event, while rejecting the claim the Secretary, Bihar Sanskrit Shiksha Board was required to assign some reason.

On perusal of Annexure – 6 to the writ petition, it is evident that it is three line order assigning no reason.

Accordingly, the order impugned i.e. Annexure – 6 to the writ petition is, hereby, set aside with an observation that the petitioner may file fresh representation with details of his claim before the Secretary, Bihar Sanskrit Shiksha Board. If such representation is filed within a period of eight weeks from today, the Secretary, Bihar Sanskrit Shiksha Board is required to examine the same and dispose of the same in accordance with law within a period of three months thereafter. In case of refusal of the claim, the said order may be communicated to the petitioner assigning the reason for rejection.

The writ petition stands disposed of.

(Rakesh Kumar, J.)

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