

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8670 of 2011

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Udai Shekhar Labh son of Late Arjun Labh resident of At Kamalpur, P.O.-
Pandaul, P.S.- Pandaul, District- Madhubani (Bihar)

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, Bihar, Patna Through Its Chairman
2. The Secretary, The Bihar State Electricity Board (B.S.E.B.), Bihar, Patna
3. The Joint Secretary, The Bihar State Electricity Board, (B.S.E.B.), Bihar,
Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Narain

For the Respondent/s : Mrs. Kanak Verma

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

7 20-01-2016 Heard Sri Amrendra Narain, learned counsel, who was

assisted by Sri Deepak Kumar, learned counsel for the petitioner
and Smt. Kanak Verma, learned counsel for the respondent /Bihar
State Electricity Board.

The petitioner, has approached this court invoking its writ
jurisdiction under Article 226 of the Constitution of India with a
prayer to quash the order contained in Annexure - '10' i.e. letter
dated 18.3.2011 whereby the representation of the petitioner was
directed to be consigned, no reason has been assigned.

The petitioner, who was appointed as Stenographer had
filed representation regarding his claim for promotion to
Stenographer Class -I (PA). A detail representation was filed by
the petitioner vide Annexure – '8' and '9' to the writ petition.
However, on the representation of the petitioner regarding his

claim for promotion, no order has been passed and in a cryptic manner same was directed to be consigned.

The court is of the opinion that once a detail representation was filed by the petitioner in support of his claim for promotion, at least the authority concerned was required to assign some reasons. However, by way of filing counter affidavit the respondent has tried to justify the impugned order. On perusal of the impugned order the court is satisfied that no reason has been assigned and as such, in view of the fact that the order impugned is a non-speaking order, same is set aside with a direction to the concerned respondent to re-examine the claim of the petitioner and pass appropriate order in accordance with law. If the respondents proposes to reject the claim of the petitioner, it is necessary to succinctly assign reasons and communicate the said decision to the petitioner immediately thereafter. In any event, decision has to be taken by the authority concerned in view of Annexure – ‘8’ and ‘9’ to the writ petition within a period of eight weeks from the date of receipt/ production of a copy of this order.

The writ petition stands disposed of.

(Rakesh Kumar, J)

Praful/-

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