

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.1563 of 2020
Date of Decision : 21.01.2020

Surender Kumar

...Petitioner

Versus

State of Haryana and another

....Respondents

Coram : Hon'ble Mr. Justice B.S.Walia

Present: Mr. Raje Ram Kaushik, Advocate for the petitioner.

B.S.WALIA, J. (Oral)

1. Prayer in the petition under Articles 226/227 of the Constitution of India is for the issuance of a writ of Mandamus for directing respondent-Board of School Education, Haryana, Bhiwani to notionally promote the petitioner to the post of Assistant Secretary along with all consequential benefits and/or to issue a writ of Mandamus for directing the respondent-Board to pass a comprehensive and detailed order on legal notice Annexure P/5 dated 10.04.2019.

2. Learned counsel contends that legal notice Annexure P/5 dated 10.04.2019 was served to the respondent-Board with regard to the claim which is the subject matter in the writ petition but the same was filed by the respondent-Board vide Annexure P/6 dated 30.10.2019, by passing a cryptic order and without giving any reasons in support of the same. Learned counsel contends that impugned order

Annexure P/6 is legally unsustainable and is liable to be set aside and the respondent-Board directed to pass fresh speaking order in accordance with law after taking into account all aspects of the matter.

3. Notice of motion to respondent No.2 only. On the asking of the Court, Mr. K.K. Gupta, Advocate, accepts notice on behalf of respondent No.2 and states that he has no objection to the limited prayer of the petitioner for passing a fresh speaking order on legal notice Annexure P/5 dated 10.04.2019.

4. In view of the position as noted above especially of order Annexure P/6 dated 30.10.2019 being cryptic and non-speaking in nature, the same is set aside and directions are issued to respondent No.2 to pass a fresh speaking order with regard to the claim made in legal notice Annexure P/5 dated 10.04.2019, after taking into account all aspects of the matter, within a period of six weeks from the date of receipt of certified copy of this order.

5. Writ petition stands disposed of in the aforementioned terms.

(B.S.WALIA)
JUDGE

21.01.2020.

rajesh.k.khurana

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No