

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

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Civil Writ Petition No.6315 of 2020

Date of Decision: March 6th, 2020

Sumit Ahuja

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. S.K. Rattan, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is, *inter alia*, contended by learned counsel for the petitioner that vide communication dated 20.11.2019 (Annexure P-14) by the office of the Director, Education Department (Secondary Education), Punjab, legal notice of the petitioner served by him for the change of option has been virtually rejected without passing a speaking order. It is further asserted that as per Annexure P-12, which is a communication dated 15.03.2017 from the Department of Education to the Director Public Instructions (Elementary Education), Punjab, the matter is stated to be pending with the Finance Department.

2. Notice of motion.

3. On the asking of the Court, Mr. Vikas Mohan Gupta, Additional Advocate General, Punjab, accepts notice on behalf of the respondents.

4. Perusal of the communication dated 20.11.2019 (Annexure P-14) leaves no manner of doubt that the order/communication is a non-speaking order upon a legal notice, which was served by the petitioner basing his claim on the basis of the judgments passed by this

Court, which should have been duly considered by the respondents while deciding the claim of the petitioner. Non-speaking order dated 20.11.2019 (Annexure P-14), therefore, cannot sustain and is hereby set aside.

5. Directions are issued to the respondents to consider the claim of the petitioner as projected by him in his legal notice dated 12.09.2019 (Annexure P-13) and decide the same by passing a speaking order keeping in view the various judgments, which have been passed by this Court as finds mention in the said legal notice.

6. The needful be done within a period of eight weeks.

7. Decision so taken be conveyed to the petitioner.

8. The writ petition is allowed with above observations/directions.

March 6th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No