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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 728/2018 and C.M. No.54218/2018
DR GYANENDRA KUMAR Appellant
Through: Mr. Anand Nandan & Mr. D.S.
Mishra, Advocates.
versus
MAULANA AZAD INSTITUTE OF
DENTAL SCIENCES (MAIDS) & ORS Respondents
Through: Ms. Ruchira Gupta & Dr. Vikrant N.
Vasudeva, Advocates for respondent
No.2.
Ms. Avnish Ahlawat, Advocate for
respondents No.3 & 4.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER
20.08.2019

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The present appeal has been preferred to assail the order dated 28.11.2018 passed by the learned Single Judge in W.P. (C) No. 12620/2018. The learned Single Judge has dismissed the writ petition preferred by the appellant, wherein the petitioner sought compliance of Fundamental Second Amendment Rules, 2018, raising the age of superannuation of Dental Doctors in Maulana Azad Institute of Dental Sciences (MAIDS). The appellant/ writ petitioner further sought a direction to extend the services of dental doctor beyond the age of superannuation of 62 years to 65 years, without furnishing of the undertaking that Dental Doctor shall not hold any administrative post after attaining the age of 62 years. The learned Single Judge dismissed the writ petition on the ground that the petitioner was only 46 years.

The submission of Mr. Nandan is that by way of an interim application, the appellant/ writ petitioner had also sought interim relief that respondent No.2/ Dr. Mahesh Verma be allowed to continue beyond the age of 62 years and that he shall not hold an administrative post.

When the present appeal was taken up for consideration on 21.12.2018, this Court had directed respondent No.1 to file an affidavit explaining the basis for issuance of the order dated 15.10.2018 by the Health & Family Welfare Department of GNCTD extending the age of superannuation of respondent No.2/ Dr. Mahesh Verma from 62 to 65 years and yet permitting him to continue in administrative position.

Ms. Ahlawat submits that post the passing of the said order, the respondent No.2 has been appointed as Vice-Chancellor of Guru Gobind Singh Indraprastha University, Delhi for a period of 5 years and that he does not continue to hold the post of Director-Principal, MAIDS. Thus, the need to file the said affidavit is academic. It is pointed out that Dr. Mahesh Verma would attain the age of 62 years on 26.08.2019. Thus, till the time he continued to serve as Director-Principal, MAIDS, Dr. Mahesh Verma was below the age of 62 years.

At this stage, learned counsel for the appellant seeks leave to withdraw the appeal. The same is, accordingly, dismissed as withdrawn.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

AUGUST 20, 2019

B.S. Rohella