

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.11646 of 2014 & M.P.No.1 of 2014

M.Muthurajapandian

... Petitioner

Vs.

1. Tamilnadu Open University,
Rep. by its Registrar, Chennai - 600 015.
2. The State of Tamilnadu
Rep. by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai - 9.
3. The University Grants Commission,
Rep. by its Secretary,
Bhadushah Zafar Marg, New Delhi - 110 002. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to retire the petitioner from service only after attaining the age of 60 years as recommended by the third respondent in their letter dated 05.10.2000.

For Petitioner : Mr.N.Subramanian

For Respondents: Mr.P.Sanjai Gandhi - R1
Mr.C.Munusamy, Spl.GP - R2
Mr.P.R.Gopinath - R3

ORDER

This writ petition has been filed seeking a direction to the first respondent to permit the petitioner to retire from service only after attaining the age of 60 years as recommended by the third respondent in their letter dated 05.10.2000.

2. Upon notice, the third respondent filed a detailed counter affidavit inter alia stating that the Ministry of Human Resource Development, New Delhi sent a communication dated 14.08.2012 to all State Education Secretaries, In-charge of

Higher Education, with respect to the revision of pay scales of University and College Teachers, quoting the University Grant Commissions' Pay Regulations, 2010, paragraph 5 of which reads as follows:

"5. Bearing in mind that the question of enhancement of age of retirement is exclusively within the domain of the policy making power of the State Governments, the issue of age of retirement has been left to the State Governments to decide at their level. The condition of enhancement of age of superannuation to 65 years, as mentioned in this Ministry's letter dated 31.12.2008 may be treated as withdrawn, for the purpose of seeking reimbursement of central share of arrears to be paid to State University and College teachers. However the others conditions as mentioned in the letters cited above, shall continue to apply."

3. However, today, when this matter was taken up for consideration, the learned counsel for the petitioner fairly submitted that due to efflux of time, the relief sought for herein has become infructuous and hence, nothing survives for adjudication.

4. In view of the above submission made by the learned counsel for the petitioner, this writ petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

vrc

To

1. Tamilnadu Open University,
Rep. by its Registrar, Chennai - 600 015.
2. The Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai - 9.
3. The University Grants Commission,
Rep. by its Secretary,
Bhadushah Zafar Marg, New Delhi - 110 002.

+1cc to M/s.P.R.Gponathan, Advocate SR.1917
+1cc to M/s.P.Sanjai Gandhi, Advocate SR.1991

W.P.No.11646 of 2014

AAB (CO)
CB (29/03/2021)



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