

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 1611 of 2018

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Qaseemuddin Haider son of Late A.F. Haider Resident of Shia Masjid Complex, Muradpur, P.S. Pirbahore, District - Patna - 800004 at present posted as Regional Director, IGNOU, Regional Centre, Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Human Resource Development
2. The Vice-Chancellor, Indira Gandhi National Open University, Maidan Garhi, New Delhi - 110068.
3. The Registrar, Indira Gandhi National Open University, Academic Coordination Division (ACD) Maidan Garhi, New Delhi - 110068
4. The Assistant Registrar, Indira Gandhi National Open University, Academic Coordination Division ACD
5. The Deputy Registrar, Indira Gandhi National Open University, Academic Coordination Division (ACD), Maidan Garhi, New Delhi - 110068
6. The Joint Registrar, Academic Coordination Division, Indira Gandhi National Open University, Academic Co-ordination Division (ACD), Maidan Garhi, New Delhi - 110068
7. The Director, Academic Coordination Division (ACD), Indira Gandhi National Open University, Academic Co-ordination Division (ACD), Maidan Garhi, New Delhi - 110068
8. The Director, Regional Services Division, Indira Gandhi National Open University, Academic Co-ordination Division (ACD), Maidan Garhi, New Delhi - 110068
9. The Finance Officer, Indira Gandhi National Open University, Academic Coordination Division ACD, Maidan Garhi, New Delhi - 110068
10. The Deputy Director, Vice-Chancellor's Office (VCO), Indira Gandhi National Open University, Academic Co-ordination Division (ACD), Maidan Garhi, New Delhi - 110068

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Syed Firoz Raza, Advocate
For the Respondent/s : Ms Kanak Verma, CGC

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CORAM: HONOURABLE MR JUSTICE ALOK KUMAR SINHA

ORAL ORDER

19 01-12-2025

Heard learned counsel for the petitioner and learned counsel for the respondents.

2 The petitioner, in the present writ application, has



prayed for the following reliefs:

“(i) For issuance of an appropriate writ of certiorari quashing the letter dated 09.11.2017 bearing F No AD/2/A/730/88/287 whereby the aforesaid letter duly signed by respondent No 4 has been marked to the petitioner stating about superannuation of the petitioner on attaining the age of 62 years on 31.01.2018.

(ii) For issuance of a writ of Mandamus commanding the respondents to apply the amendment in the statute 17 (9) of the IGNOU Act 1985 relating to the age of retirement (and continue the petitioner) which stood enhanced from the age of 62 years to that of 65 years in view of letter dated 15.12.2017 issued by the Ministry of Human Resource Development Department of Higher Education, Distance Learning Division in the case of other academics as well (petitioner) along with the teachers.”

3 Learned counsel for the respondents submits that both the reliefs which the petitioner has sought in the present writ application has become meaningless as on today for the reason that the petitioner has already attained the age of 69 years (not disputed by the petitioner) and, therefore, quashing of the two documents which have been prayed for by the petitioner cannot put the petitioner back in service. It has further been pointed out by the learned counsel for the respondents that no relief has been claimed by the petitioner for arrears of salary and consequential benefits and, therefore, even if the writ



application is allowed, the monetary relief cannot be granted to the petitioner.

4 To the aforesaid submission made by the learned counsel appearing for the respondents, learned counsel appearing for the petitioner submits that it is true that on 31.01.2018 the petitioner attained the age of 62 years and on 31.01.2021, he attained the age of 65 years. He further admits that as on today, the petitioner is about 69 years of age and even if the writ application is allowed, he cannot be put back in service. He further admits that the petitioner has not claimed any monetary relief by way of arrears of salary for the period 31.01.2018 to 31.01.2021 and, therefore, even if the writ application is allowed, no monetary relief can be extended to the petitioner.

5 In view of the submissions made by both the sides, the issue raised in the present writ application has only remained of academic interest which is kept open for consideration in an appropriate case in future. For the moment, the writ application is disposed of as no relief can be granted to the petitioner.

(Alok Kumar Sinha, J)

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