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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3860/2020 & CM APPLs. 13816/2020, 1264/2021**
ANJANI KUMARPetitioner

Through: Mr. Kunal Srivastava, Advocate.

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Virender Pratap Singh Charak,
Mr. Shubhara Parashar and Mr.
Divakar Kapil, Advocates for UOI.
Mr. S. Rajappa, Advocate for R-3.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
10.02.2026

1. The Petitioner superannuated on 30th January, 2024. In view thereof, Mr. Kunal Srivastava, counsel for the Petitioner, submits that the substantive grievances raised in the present petition stand redressed. He, however, draws attention to order dated 6th March, 2020, containing certain observations, which he apprehended, would be stigmatic and cause prejudice to the Petitioner's future. The said order reads as under:

"Please refer to your office letter no 1(1)/2018-S/Gaztt./Admn.l/1125 dated 10/13 May 2019. (Annexure - I)

National Institute of Open Schooling (NIOS) is an Autonomous Institution under the Ministry of Human Resource Development and it is headed by the Chairman, NIOS who is appointed by the Government of India and the post carries a Grade pay of Rs 10,000.

I am sure you are aware that Shri Anjani Kumar, DOG (E) has joined NIOS on 01st of May 2019 on the post of Secretary, NIOS vide DOPT



order no 4/ 3/2017-EO (MM-11) dated 13.02.2019. (Annexure- II).

The post of Secretary, NIOS carries grade pay of Rs 8700 (Table 13). (Annexure -III).

Shri Anjani Kumar was relieved from Prasara Bharati on 30.04.2019 to join NIOS as Secretary I carrying a grade pay of Rs 8700. On the date, his application was perhaps forwarded (i.e. on 09.11.2018) he was on identical grade pay but on the date he was relieved i.e. on 30.04.2019, his pay was already fixed on a grade pay of Rs 10,000 (Ref. I&B Ministry's order no 02/2019-BA(E) dated 29.04.2019) (See Annexure 1). At the time of joining, NIOS i.e. on 01.05.2019, the pay of Mr Anjani Kumar was already ordered for grade pay of Rs 10,000.

On perusal of the above cited letter, it is found that he has joined a post in NIOS carrying a Grade pay lower than he was drawing in Prasara Bharati.

On joining, Mr. Anjani Kumar had requested to get his pay fixed at Rs. 10,000 Grade pay with the approval of the Executive Board, the apex decision making body of NIOS. On his insistence, I had taken the Agenda to the EB (prepared by Shri Anjani Kumar himself), a copy of which I am enclosing for reference (Annexure- IV). The Executive Board took a view that as the Grade Pay of Chairman, NICS himself is Rs. 10,000 (take note of MHRD Invitation of applications for the post of Chairman (Annexure - V) attached herewith) (source: MHRD website) he can neither draw Rs. 10,000 Grade Pay nor work on a post under the Chairman on identical Grade Pay. As the Executive Board was of the view that he be repatriated, as he was ineligible for the position, I withdrew the Agenda to avoid embarrassment.

The referred pay fixation letter (Annexure- I) specifies that his pay scale with Grade pay of Rs 10,000 is “Comparable to the pay scale of the IAS Officers posted as Joint Secretary under the Central staffing scheme”. This is requested to be clarified whether:

- (i) Is it a standard format of issuing pay fixation letter in Prasara Bharati?*
- (ii) Who determined that his scale was comparable to that of IAS Officers posted as Joint Secretaries?*
- (iii) Is It an established practise in Prasara Bharti to forward application of employees for appointment to positions of lower grade pay?*

As Chairman, NICS himself reports to Joint Secretary, MHRD for all official matters, it is not understood how he has been relieved from Prasara Bharati having pay at par with Joint Secretary to join a lower



post, in NIOS.

*The Article 13 of Memorandum of Association (MOA) of NIOS says "Secretary is one of the HODs and is the Head of department of Administration and Accounts and will exercise his powers and responsibilities as applicable to all HODs in accordance with the norms given In Article 14." (copy enclosed - **Annexure- VI**).*

*The pay scale of Secretary as well as of HODs In NIOS are identical in the Grade pay of Rs 8700. Secretary, is the Head of the Administration and Accounts whereas the Academic, Vocational. Student Support Services and Evaluation Departments are looked after by other HODs designated as (Directors.) As such, all the HODs are reporting directly to the Chairman in the respective areas assigned to them. However, it is ensured that the work of the Institution in the different Departments is executed with due collaboration of all the officers. Shri Anjani Kumar has been insisting that all other HODs should report to him and not the Chairman directly (see Secretary Office order dated 2nd March, 2020 issued by him without my approval which is against the spirit of the Memorandum of Association (**Annexure- VII**). The expectation of Shri Anjani Kumar regarding reporting by other HODs to him has been resisted by HODs of NIOS. Please see order issued to Director, SSS without the approval of the undersigned. (**Annexure - VIII**).*

I have observed the conduct and behaviour of Mr Anjani Kumar, Secretary, NIOS which has not been found to be conducive to the working of NIOS. He has withheld all files related to signing of MOU for establishment of new centres across the nation and other important files and now we have started getting complaints from institutions, Members of Parliament and PMO because of the files pending for his signature which is hampering the smooth and normal functioning of the Institution and has started adversely impacting the overall functioning of NIOS.

I strongly recommend he may be recalled to the Ministry of Information and Broadcasting/Prasar Bharati and assigned a job befitting his pay and rank profile. I will look forward to a quick decision and action in this regard as crucial NIOS activities have come to a standstill."

2. On 20th March, 2024, Mr. S. Rajappa, counsel for Respondent No. 3, on instructions, stated that the aforesaid communication shall not be treated as stigmatic and that, in the event the Petitioner seeks re-engagement or appointment as a Consultant in any department, a No Objection would be



issued. An affidavit to the above effect was thereafter filed. On 16th May, 2024, counsel representing the Petitioner had stated that the Petitioner was not agreeable to the terms mentioned in the additional affidavit.

3. Today, on instructions, Mr. Srivastava submits that the Petitioner accepts the terms contained in the additional affidavit and no surviving grievance remains.

4. Accordingly, in light of the above, the present petition is disposed of along with pending applications.

SANJEEV NARULA, J

FEBRUARY 10, 2026

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