

Court No. - 1

Case :- WRIT - A No. - 7626 of 2023

Petitioner :- Ex- Sep/N Asst. Satya Prakash Tiwari

Respondent :- Union Of India Thru. Secy. Ministry Of Defense
, New Delhi And Others

Counsel for Petitioner :- Abhishek Dwivedi

Counsel for Respondent :- A.S.G.I.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

1. Heard learned counsel for the petitioner and Shri S.B. Pandey, learned Senior Advocate and Deputy Solicitor General of India assisted by Shri Varun Pandey, learned counsel for the respondents.

2. Pursuant to the order of this Court passed on 23.11.2023, Lt. Colonel, Shri Ravindra Uprethy is present in person.

3. Although repeated opportunities for appearing in the examination have been afforded to the present petitioner but on an overall consideration of the judgement rendered by the Armed Forces Tribunal, Regional Bench, Lucknow (hereinafter referred to as "Tribunal"), we gathered that the compliance of the judgment dated 11.10.2021 with the issuance of the notice dated 01.11.2021, as received by the petitioner on 02.11.2021, has not been made strictly in terms of the relevant rules applicable in his behalf.

4. On the basis of instructions and looking to the terms of the

rules as applicable in this regard, it is agreed by the respondents that the petitioner may be afforded last opportunity by recalling him to the training Centre for a period of 30 days in terms of the order passed by the Tribunal and thereafter he may be subjected to the necessary nursing examination which is scheduled to be held in the month of June, 2024. The result of the examination shall be declared and communicated to the petitioner as soon as the same is declared.

5. The writ petition is, accordingly, **disposed of**.

6. Let a copy of compliance report of this order be sent to the Senior Registrar of this Court, who may place the same on record. It is expected that the last opportunity afforded to the petitioner is availed by him by way of last opportunity and his discharge already affected shall abide by the outcome of the result of the examination.

7. This order shall, however, not to be treated as a precedent and has been passed in the peculiar facts and circumstances of the case.

(Om Prakash Shukla, J.) (Attai Rahman Masoodi, J.)

Order Date :- 29.11.2023
Shubhankar