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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **WRIT PETITION(CIVIL) No. 3694/2017**

Date of decision: 29th August, 2017

AMIT KUMAR

..... Petitioner

Through Md. Azam Ansari, Advocate.

versus

THE UNION OF INDIA AND ORS. Respondents

Through Mr. Vivekanand Mishra, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

SANJIV KHANNA, J. (ORAL):

Amit Kumar, the writ petitioner, has prayed for direction that he be admitted to the Army Wing of National Defence Academy.

2. The petitioner had appeared in the written examination for the National Defence Academy, Course Serial No. 136, conducted by the Union Public Service Commission.

3. The petitioner had given Army as his first choice as the said examination was a combined examination for 208 vacancies in the Army, 42 vacancies in the Navy and 70 vacancies in the Air Force.

4. As per merit list, published on 9th June, 2016, the petitioner had secured merit position 359, out of total of 423 candidates, who were short listed. The grievance of the petitioner is that he did not thereafter receive joining instruction despite sending multiple letters

and fax messages. Consequently, the petitioner had approached Lucknow Bench of the Armed Forces Tribunal where his application was not entertained for want of jurisdiction. The petitioner has now filed the present writ petition.

5. The respondents in the counter affidavit have stated that 208 candidates, as per the merit list, have been selected and issued letters to join the National Defence Academy (Army). The petitioner did not qualify and was not issued the joining letter as he was not amongst the first 208 candidates who had opted for Army. It is stated that there are 8 more candidates, who had secured a higher ranking than the petitioner, but have not been issued joining letters for the National Defence Academy (Army).

6. The respondents have also stated that the petitioner was found medically unfit for Navy by the Medical Board, including the Appeal Medical Board. The petitioner had submitted his unwillingness to undertake the Computerized Pilot Selection System and an undertaking to the said effect was given by him on 25th February, 2016 at the time of interview. To this extent, there is no challenge in the writ petition.

7. The contention of the petitioner is that there must be some wrongdoing in the selection process for the father of the petitioner had learnt from certain sources that sons of two powerful and influential persons, who were lower in the merit list, who had not given Army as the first choice, have been selected for the National Defence Academy (Army). These allegations were made by the father of the petitioner in fax message dated 26th July, 2016. At another place, it is stated that the grievance raised by the petitioner was put up before the Additional

Director General Recruitment (NDA Entry) Army Headquarter, New Delhi who, had assured them that they would look into the matter and communicate the outcome. No such communication or response was received.

8. These assertions made in the writ petition are vague and without any basis, foundation and particulars. The examination was conducted by the Union Public Service Commission. Names of the selected candidates merit-wise were published on 9th June, 2016. The petitioner was shown as one of the 423 candidates and as per the marks obtained was given seniority position at Serial No. 359.

9. We cannot, on the basis of any assumptions and vague assertions, go on a fishing and roving inquiry whether there was any wrongdoing in the said selection process. The petitioner has not indicated names and details of the alleged candidates, who, he states had procured admission to National Defence Academy (Army) on the basis of their connections.

10. In view of the aforesaid position, we are not inclined to accept the present writ petition and the same is dismissed, without any order as to costs.

SANJIV KHANNA, J.

NAVIN CHAWLA, J.

AUGUST 29, 2017
MR