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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment delivered on: 29.08.2022

+ W.P.(C) 12286/2022 and CM No.36881/2022

MAJ. YUGAN PRAKASH (RETD.) Petitioner

versus

UNION OF INDIA AND ANR. Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Rajiv Manglik, Advocate

For the Respondents : Ms. Monika Arora, CGSC with Mr. Kaushal
Jeet Kait, Govt. Pleader

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks quashing of para 16(c) of Information Bulletin-2022 for admission to PG Seats under Armed Forces Medical Services (AFMS) Institutes to the extent that it allows priority of the Civilian employed Doctors over and above the Ex-servicemen.

2. Learned counsel for the Petitioner submits that as per the Information Bulletin, one of the aims and objective is to maintain a reserve pool of Specialist Medical Officers by offering Post Graduate



courses to Ex. Short Service Commissioned officers who are on the reserve lists of AFMS.

3. Learned counsel submits that a lower priority has been given to Ex. Short Service Commissioned AMC Officers than civilian officers and the same is contrary to the very aims and objectives of the policy.

4. Learned counsel further submits that this issue was escalated and an interaction with the Chief of Army Staff and the same is under consideration.

5. First Information Bulletin referred to by the learned counsel for the Petitioner in Priority 16 reads as under :-

(a) Priority-I – AFMS Officers detailed on advance specialist course/other courses as per guidelines of NMC/NBE.

(b). Priority-II – Foreign students sponsored by Government – On approval of DGAFMS/MoD/MEA subject to conditions laid down by the Govt. of India.

(c). Priority-III – Medical officers sponsored by Para Military Organization/other Govt. of India organization. Sponsorship certificate mentioning the subjects for sponsorship by the sponsoring authority is mandatory requirement for the candidate to be considered for counseling.

(d). Priority-IV – Ex.SSC AMC Officers released from service after completion of contractual service and within three years after their release from service. The date of release should not be before 01 May 2019 or after the date of AFMS counseling for the NEET PG 2022 session....”

6. Priority-III as per the Bulletin is to be given to Medical Officers sponsored by Para Military Organization/other Government of India



Organization and Priority-IV is with regard to Ex. Short Service Commissioned AMC officers released from service after completion of contractual service and within three years of their release from service.

7. It is observed that the decision on which category of officers or individuals are to be given priority for the purpose of allocation of Post Graduate Seats is a matter of policy to be decided by the Competent Authority. In the instant case, the Competent Authority has decided to accord priority to Medical Officers sponsored by Para Military Organization and other Govt. of India Organization and the Ex. Short Service Commissioned AMC officers has been given one priority lower than the said officers. Same being a policy decision, it is not for the Court to interfere with the same or to decide as to what priority should be accorded to a particular category of officers.

8. Furthermore, it is noticed that when a grievance was raised by the Petitioner with the Chief of Army Staff (COAS), response that was received, was that the case is being looked into at an appropriate level and the order of priority has been fixed as per MoD letter dated 06.03.2013.

9. This clearly indicates that the same policy has been in vogue since the year 2013. Further the response from COAS is that the case has been taken up with the MoD D Med. to interchange the priority to be given and the same is awaiting approval from MoD. This shows that the grievance of the Petitioner is also being looked into by the Competent Authority.



10. Learned Counsel for the Petitioner further submits that since the matter is under consideration of the Competent Authority, Competent Authority be directed to decide the same in a time bound manner. We are not inclined to accept this submission for the reason that the Chief of Army Staff has promptly responded to the Petitioner and escalated the matter to the Competent Authority which shows that the Competent Authority is alive to the situation. As such, no ground is made out to issue any direction of said nature in this regard.

11. Since the issue raised by the Petitioner pertains to a policy decision, this Court is not inclined to entertain the petition. Furthermore, as noticed from the response given by the COAS, matter is also under active consideration of the Competent Authority, hence we are of the view that there is no merit in the petition. Petition along with the application filed herewith is dismissed.

12. Order *dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

AUGUST 29, 2022

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