



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

% *Date of decision: January 10, 2024*

+ **W.P.(C) 15625/2023 & CM APPL. 62581/2023**

(56) **SIDDHARTH SINGH** Petitioner
Through: **Mr. M.D. Jangra and Mr. Praveer Singh, Advs.**

Versus

UNION OF INDIA & OTHERS Respondents
Through: **Ms. Vinita Bakshi, Sr. PC with Mr. Vedansh Anand, Adv. for UOI with Major Partho Katyayan (Army)**

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO
HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

SAURABH BANERJEE, J. (ORAL)

1. The petitioner, vide the present petition under Article 226 of The Constitution of India, seeks a direction to quash and set aside the impugned e-mail dated 12.11.2023 of the respondents and allow the petitioner to participate in the selection process for the course 'Technical Entry Scheme (10+2)-51' (hereinafter referred to as '**TES (10+2)-51**').
2. As per petitioner, sometime in October 2023, the respondents invited applications from unmarried male candidates to apply for a permanent commission in the Indian Army via the recruitment process



for TES (10+2)-51, pursuant where to the petitioner applied on 24.10.2023 and his application was duly shown to be '*submitted*'. Thereafter, the respondents, vide the impugned e-mail dated 12.11.2023 (which was the last date of submission of the application forms) informed the petitioner that he had yet not submitted his application form and as a result, the roll number to participate in the said recruitment process shall not be generated. Resultantly, the petitioner was unable to participate in the said recruitment process. Aggrieved thereby, he has filed the present petition.

3. Learned counsel for the petitioner submits that the petitioner had applied for the TES (10+2)-51, after submitting his application form on 24.10.2023. He further submits that though the application was duly accepted, however, the roll number displayed on the screen was for the last recruitment process i.e. TES (10+2)-50. He further submits that even the record produced by the respondents shows that the petitioner had logged in his account multiple times so that he could complete his application form before the closure date of 24.10.2023.

4. Learned counsel for the petitioner also submits that the petitioner received an e-mail in his account at 05:39 AM on 12.11.2023 to the effect that his application form had yet not been submitted but he was unable to see the said e-mail on account of Deepawali and logged into his account only on 13.11.2023 by which time the online portal to apply had already been closed.

5. On the other hand, learned counsel for the respondents submits that as per the records maintained by the respondents, the petitioner had failed to submit his application before the closure date of 24.10.2023. She



submits that the impugned e-mail had been sent to all those individuals whose application forms were not yet complete. In view thereof, she submits, that the petitioner ought not to be granted the reliefs prayed for in the present petition.

6. This Court has heard the learned counsel for the parties and has also perused the documents on record.

7. At the very outset, this Court finds from the records that the petitioner has neither filed nor shown any proof of submitting the application form for the said recruitment process. Though, at the time of arguments, the learned counsel for the petitioner has handed over a sheet showing the log in details of the petitioner to the online portal wherein the form was to be uploaded, however, in the considered opinion of this Court, it cannot be of any relevance as it nowhere confirms the factum of final submission of the application form before the closure date of 24.10.2023.

8. Thus, this Court is agreeable with the submission of the learned counsel for the respondents that the application form of the petitioner was in fact never finally submitted at any point of time.

9. Furthermore, the fact that the petitioner failed to utilise the ample time provided for submitting the application form before the closure date of 24.10.2023, militates against him.

10. Moreover, the petitioner has not made any allegation(s) against the respondents, much less of non-compliance of any Statute, Rules, Regulations etc.

11. Considering the aforesaid facts and circumstances, there is no requirement for this Court to exercise jurisdiction under Article 226 of



2024:DHC:297-DE



The Constitution of India to accede to the prayers as made by the petitioner in this petition.

12. Accordingly, the present writ petition alongwith pending application, is dismissed in the above terms, leaving the parties to bear their own costs.

SAURABH BANERJEE, J.

V. KAMESWAR RAO, J.

JANUARY 10, 2024/rr