



2025:DHC:9475-DB



\$~56, 57, 70 & 71

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

+ W.P.(C) 15372/2025, CM APPL. 63021/2025

DEEP SHIKHA

.....Petitioner

Through: Ms. Meenakshi Joshi, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Syed Abdul Haseeb, CGSC
for Union of India with Major Anish
Muralidhar (Army)

+ W.P.(C) 15379/2025, CM APPL. 63038/2025

KANISHKA SHEKHAWAT

.....Petitioner

Through: Ms. Meenakshi Joshi, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Iram Majid, CGSC with
Md. Suboor and Mr. Shivam Parashar Advs.
for Union of India with Major Anish
Muralidhar (Army)
Ms. Nasreen, Adv.

+ W.P.(C) 15085/2025, CM APPL. 62055/2025

AKSHITA BHARDWAJ

.....Petitioner

Through: Ms. Meenakshi Joshi, Adv.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Sandeep Kumar Mahapatra,
CGSC with Ms. Mrinmayee Sahu and Mr.
Tribhuvan, Advs. for Union of India



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+ W.P.(C) 15093/2025, CM APPL. 62080/2025

SOHA KAUSTUBH SAMAK

.....Petitioner

Through: Ms. Meenakshi Joshi, Adv.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Dr. B. Ramaswamy, CGSC for
Union of India

Mr. Sambhav Sharma, GP

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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29.10.2025

C.HARI SHANKAR, J.

1. The issue in controversy is squarely covered by the judgment of the Supreme Court in *Arshnoor Kaur v Union of India*¹ as well as our decision in *Shruti Vyas v Union of India*².

2. The petitioners in these writ petitions are aspirants for recruitment on Short Service Commission in the Indian Army. They underwent all stages of selection but were not selected on the ground that they did not qualify, on merit, against the number of vacancies in the respective posts/streams for which they had applied, which were reserved for women candidates. Admittedly, there are sufficient unfilled vacancies reserved for male candidates to accommodate the

¹ 2025 SCC OnLine SC 1668

² 2025 SCC OnLine Del 6045



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petitioners, if their candidature is permitted to be considered against the said vacancies. This is clear from the following table:

WP(C)	Name of the Petitioner	Applied to the post of	Rank	Total vacancy for SSC Tech-36 (Women)	Total vacancy for SSC Tech-65 (Men)	Unfilled vacancies in SSC Tech-65 (Men)
WP(C) 15372/2025	Deep Shikha	Electrical Engineer in the Indian Army	5 th	3	33	15
WP(C) 15379/2025	Kanishka Shekhawat	Electrical Engineer in the Indian Army	4 th			
WP(C) 15085/2025	Akshita Bhardwaj	Mechanical Engineer in the Indian Army	13 th	9	101	40
WP(C) 15093/2025	Soha Kaustubh Samak	Mechanical Engineer in the Indian Army	14 th			

3. We have, in our decision in *Shruti Vyas*, following the judgment of the Supreme Court in *Arshnoor Kaur*, held that, once the entry of women candidates into any field or branch of the Armed Forces was permitted, it was impermissible to restrict them to any particular number of vacancies. As was done by the Supreme Court in *Arshnoor Kaur*, therefore, we have directed the petitioners in that case to be adjusted against the number of vacancies reserved for male candidates which remained unfilled.

4. Mr. Sandeep Kumar Mahapatra, learned CGSC for the Union of India submits that a Miscellaneous Application No.1896/2025 has



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been filed before the Supreme Court seeking modification of the decision in *Arshnoor Kaur*.

5. On being queried as to whether any interdictory orders have been passed on the said application, Mr. Mahapatra has handed over an order dated 14 October 2025, which merely directs the Registry to list the matter before the Bench which had decided *Arshnoor Kaur*.

6. As such, the decision in *Arshnoor Kaur* clearly continues to apply.

7. Mr. Mahapatra has also placed reliance on an order dated 14 October 2025 passed by a Coordinate Bench of the Supreme Court in *Seerat Kaur v Union of India*³. We deem it appropriate to reproduce the order in full:

“1. We have heard Mr. Gopal Sankaranarayanan, learned senior counsel for the petitioner, Mrs. Aishwarya Bhati, learned Additional Solicitor General for the Union of India-respondent no.1 and Ms. Deeplaxmi Matwankar, learned counsel for the respondent no.2.

2. Having regard to the observations made in paragraph 117 of the decision of this Court in “*Arshnoor Kaur & Anr. v Union Of India & Ors.*” to the effect that Union of India shall “henceforth” conduct recruitment in the manner specified in the judgment as well as publish a common merit list for all Judge Advocate General (‘JAG’) candidates, i.e., for all male and female candidates, and make the merit list public together with the marks obtained by all the candidates participating in the selection process, we see no reason to hold that the directions contained in such judgment will apply retrospectively so as to affect any process of recruitment for appointment to the post of JAG that has been initiated prior thereto, including the 35th recruitment cycle which is under consideration.

³ Writ Petition (Civil) No.928/2025, decided on 14 October 2025



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3. The writ petition, therefore, fails and is dismissed.

4. However, while taking note of the fact that the petitioner has been permitted to join the training course (which is of eleven months duration) in pursuance of an interim order passed by this Court, we permit her to complete the training course, if she so chooses. We hasten to observe that if all the eight selected candidates successfully complete their training and are appointed, the petitioner shall have no right to seek appointment based on the result of the 35th recruitment cycle. However, in the event, fortune smiles on the petitioner and any of the eight candidates undergoing training pulls out or is otherwise declared disqualified or in case any other vacancy arises where she can be accommodated, she may be considered for appointment on successful completion of training.

5. The aforesaid direction is made as a very special case and shall not be treated as a precedent for future cases.

6. Pending interlocutory application(s), if any, shall stand disposed of.”

8. Mr. Mahapatra seeks to interpret paragraph 2 of the aforesaid order of the Supreme Court in *Seerat Kaur* as holding that the directions in *Arshnoor Kaur* would only apply prospectively.

9. To our mind, the submission is completely misconceived.

10. If the submission were to be accepted, it would mean that the order in *Seerat Kaur* has undone the decision in *Arshnoor Kaur*, as the relief that was granted in *Arshnoor Kaur* itself applied retrospectively. The candidates in *Arshnoor Kaur* had also applied prior to the decision in *Arshnoor Kaur* and were given the benefit of the decision. Clearly, paragraph 2 of *Seerat Kaur* merely accords prospectivity to the direction in *Arshnoor Kaur* to prepare a combined merit list of Judge Advocate General male and female



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candidates. There is no other interference, in *Seerat Kaur*, with the decision in *Arshnoor Kaur*.

11. In fact, when one reads the order in *Seerat Kaur* in full, it is clear that the Supreme Court has, in paragraph 4, effectively reiterated *Arshnoor Kaur* by holding that the appellant before it Seerat Kaur would be entitled to appointment if fortune smiled on her and vacancies were available. As such, *Seerat Kaur*, if anything, reinforces *Arshnoor Kaur*, and does not in any manner dilute its effect.

12. In that view of the matter, as the issue is squarely covered, we allow all these writ petitions by directing that the petitioners would be entitled for being recruited as Short-Service Commissioned Officers against the unfilled male vacancies, as, given their merit position, they qualify for selection thereagainst.

13. Needless to say, however, the petitioners would have to qualify the requisite medical tests and other formalities.

14. We also note that, in our decision in *Shruti Vyas*, it was pointed out that the actual allocation of streams takes place after the training is complete. As we have done in *Shruti Vyas*, we clarify that the entitlement of the petitioners for deployment against the unfilled vacancies of men would be conditional on their being found suitable for deployment against the identifying corps and services in paragraph 45 of *Arshnoor Kaur*.



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15. The writ petitions stand allowed in the aforesaid terms.

C.HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

OCTOBER 29, 2025/aky