



2025:DHC:10537-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 17883/2025 & CAV 459/2025, CM APPL.73912/2025**
CM APPL. 73913/2025

UNION OF INDIA AND ORSPetitioners
Through: Dr. Vijendra Singh Mahndiyan,
CGSC with Major Anish Muralidhar (Army)

versus

COL VS KAHN VSMRespondent
Through: Mr. S.S. Pandey and Mr.
Nirvikar Singh, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)
26.11.2025

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C. HARI SHANKAR, J.

This case is being taken up today as 25 November 2025 was declared as holiday on the occasion of 350th anniversary of ‘Guru Teg Bahadur’s Martyrdom Day’.

1. After some hearing, Dr. Mahndiyan, learned Counsel for the petitioners, restricts his challenge to the impugned order dated 25 July 2025, passed by the Armed Forces Tribunal¹, to the following finding, contained in para 60 thereof:

“However, it is essential to note that consequent to the disposal of the second statutory complaint, the applicant’s marks were higher than the last empanelled officer of his original batch i.e., 1997 batch.”



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2. According to Dr. Mehndiyan, this finding is incorrect.
3. It is an admitted position that the second statutory complaint was disposed of in October 2023, whereafter the case of the respondent was considered in June 2024, during which marks were awarded to him.
4. The finding of the AFT is that these marks, as awarded to the respondent, were higher than the marks awarded to the last empanelled candidate of the 1997 batch who had been considered in June 2022.
5. Dr. Mehndiyan, on instructions, disputes the correctness of this finding.
6. If a finding rendered by the AFT is erroneous, the remedy with the petitioners would be to move the AFT by way of review. Dr. Mehndiyan, therefore, on instructions, seeks leave to withdraw this writ petition with liberty to move the AFT by way of review.
7. We make it clear that the scope of review would be restricted to the question of whether in the consideration of the respondent in June 2024, the marks which were awarded to him were or were not higher than the marks awarded to the last empanelled candidate of the 1997 batch in June 2022.



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8. If they were, the order of the AFT would remain undisturbed.
9. This writ petition is disposed of in the aforesaid terms, with no orders as to costs.
10. We respectfully request the AFT, should the review be filed, to decide it as expeditiously as possible.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

NOVEMBER 26, 2025

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