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

% *Date of Decision: 01.04.2026*

+ **W.P.(C) 3975/2026 & CM APPL. 19481/2026**

MAJOR SANGEETA

.....Petitioner

Through: Mr. Ajit Kakkar, Mr. Tejas Bhonge &
Ms. Shruti Singh, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Avshreya Pratap Singh Rudy,
CGSC with Ms. Usha Jamnal, Ms.
Nyasa Sharma, Mr. Ankit Khatri,
Advocates and Mr. Vinay Kaushik,
Govt. Pleader.
Col S.K. Mishra & Maj. A.S. Bhuttar
in person.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO, J. (ORAL)

1. This writ petition lays a challenge to the order dated 23.02.2026 (impugned) passed by the Armed Force Tribunal, Principal Bench, New Delhi (hereinafter, 'Tribunal') deciding two OAs. But this writ petition lays a challenge to the order in Original Application No.3795/2025 (OA) titled *Major Sangeeta v. Union of India & Others* whereby the Tribunal has dismissed the OAs.

2. The facts to be noted in the OA filed by the petitioner herein are that



the Armed Forces Medical Services ('AFMS') is a tri-service organisation consisting of medical services in the Army, Navy and Air Force with the Director General, Armed Forces Medical Services (DG AFMS) as the cadre controlling authority in respect of all AFMS officers. A serving Army Medical Corps ('AMC') Officer is afforded opportunity to pursue Post Graduate Medical Course as an in-service candidate in terms of training rules issued by the competent authority from time to time.

3. The National Eligibility cum Entrance Test (NEET) for admission to PG Courses in Medical Institutions including the Armed Forces Medical Science PG Training Institute is conducted every year by the National Board for Examination in Medical Sciences (NBEMS). The admission to the PG Course in the AFMS Institutes is undertaken in accordance with the policies laid down and the priorities stipulated in Government vide letter dated 06.03.2013, as under:-

*“2.1 **Priority I**-AFMS Officers detailed on Advance Specialist courses/PG Courses;*

*2.2 **Priority II**-Foreign students sponsored by Government and AFMS officers granted Study Leave;*

*2.3 **Priority III**- Medical Officers sponsored by Para Military organisations and other GoI organisations;*

*2.4 **Priority IV**-Ex-SSC Officers of AFMS within 3 years of their release from service; and*

*2.5 **Priority V**- Civilian candidates;”*

4. In this matter, we are concerned with admission to the Academic Session 2025-28 of Permanent Commissioned ('PC') and Short Service Commissioned ('SSC') Officers of the Army Medical Corps ('AMC'), who were permitted to apply for Advance Specialist/PG Courses i.e. MD, MS, DNB in the AFMS Institutes through NEET PG Exam 2025.



5. Accordingly, as per the Rules notified, applications for permission for Advance Specialist/PG Course in AFMS Institutes through NEET PG Exams 2025 were invited from eligible PC and SSC officers vide notification dated 21.03.2025 wherein as per paragraph 11 of the notification, the following condition has been stipulated:-

“11. Officers may apply (to the Officer of DGAFMS/DG-1D and on the NBE/MCC web portal) under a particular priority only (i.e. as Priority-I or Priority-IV) and under no circumstances will applications/requests for change of priority be considered on or after the date of NEET PG Exam.”

6. The notification dated 21.03.2025 was circulated to all concerned offices and also uploaded on the web portal. As per Priority-I, PC and SSC officers have to fill their applications in Appendix A, and Appendix B was to be filled by Priority-I PC/SSC Officers availing the one-time waiver granted to them vide letter dated 17.10.2023. That apart, Priority-IV is for SSC Officers in extended contractual service/in the last year of their contractual service and who will finish their initial contractual service on or before 30.08.2026 and are desirous of appearing as Priority-IV candidates in AFMS Institutes, Priority-V is for civilian candidates. From the aforesaid, it is clear that Priority-I candidates i.e. serving AFMS officers were required to fill up Appendix A or Appendix B as the case may be and those applying under Priority-IV were to submit their candidature in Appendix C. The NEET PG Exam 2025 was initially scheduled to be held on 15.06.2025, but subsequently rescheduled for 03.08.2025. The last date to submit applications for change of priority by any serving SSC officer was revised by the office of DG AFMS vide letter dated 21.07.2025, and the officers



were permitted to submit their applications for change in priority up to 01.08.2025.

7. Insofar as the petitioner is concerned, she is a SSC officer in the AMC and is currently posted at 3 Technical Training Regiment (TTR). The petitioner submitted her application for permission to appear in NEET PG Exam, 2025 as Priority-I candidate in April 2025, and the same was received at the Office of DG AFMS on 13.05.2025. The Board of Officers (BOO) was convened on 28.05.2025 to scrutinise the same and prepare a list of eligible AFMS officers in Priority-I for the PG admissions through NEET PG Exam 2025. The petitioner's name was reflected at Serial No. 591 of the list which was circulated by the Office of DG AFMS. However, subsequently, the petitioner had submitted another application on 30.05.2025 for permission to appear in NEET PG Exam 2025 under Priority-IV candidate and the same was received at the Office of DG AFMS on 05.06.2025.

8. When the BOO was convened on 10.07.2025 to scrutinise the eligibility of serving SSC officers as Priority-IV for the PG admissions through NEET PG Exam 2025, the applicant was not granted permission to appear in NEET PG-2025 as Priority-IV vide letter dated 14.07.2025.

9. Pursuant to the same, the petitioner vide her email dated 15.07.2025, intimated her request to be considered as Priority-I candidate for NEET PG Exam 2025. However, in her subsequent email dated 19.08.2025, the petitioner had requested for consideration of her candidature under Priority-IV. A supplementary BOO was convened on 04.09.2025, consequent to



multiple representations for assessing the eligibility of candidates under Priority-IV, the Supplementary BOO did not consider such application which had been initiated after the stipulated date for change of priority. As such, the request made by the petitioner for change of priority was also not considered, which resulted in petitioner approaching the Tribunal by filing the aforesaid OA.

10. The case of the petitioner before the Tribunal was primarily that, she filed her application for Priority-I on 26.03.2025; but she decided not to serve any further due to her familial commitments, and had submitted another application vide letter dated 10.04.2025 requesting for a No Objection Certificate (NOC) to apply for NEET PG Exam 2025 and Civil Employment. In accordance with the policy, she submitted another application on 20.04.2025 opting for Priority-IV. The petitioner forwarded an application dated 23.04.2025 enclosing the certificate of the petitioner's Commanding Officer along with the petitioner's undertaking for consideration of one-time waiver for pursuing Advance Specialist/PG Course in AFMS Institutes through NEET PG Exam 2025 to the Integrated Head Quarters of Ministry of Defence (Army).

11. It was also the stand of the petitioner that, while she had applied under both Priority-I as well as Priority-IV, she had erroneously specified her request to be considered under Priority-I candidate on her email dated 15.07.2025. The petitioner's case was that, such a clerical error in an informal email cannot supersede formal applications sent through official channels. In this backdrop, it was highlighted that the letter dated 14.07.2025, vide which the petitioner was found to be ineligible under



Priority-IV (as per the recommendations of the BOO), was received at the petitioner's office only on 25.07.2025. As such, it was the case of the petitioner that subsequently, a letter dated 28.07.2025 was forwarded to the Office of DG AFMS requesting for the grant of permission to allow the petitioner in appearing for PG Course under Priority-IV.

12. It was highlighted that, an official NOC was issued by the Office of DG AFMS in favour of the petitioner on 30.07.2025, wherein she was authorised to appear for NEET PG Exam 2025 counselling under Priority-IV/'Civil'. It was argued on behalf of the petitioner that the issuance of the NOC is an indication of the fact that, all the necessary documents have duly been submitted by the petitioner and the same has been accepted by the competent authority. Thus, it constitutes 'Official Recognition' and the respondents are now barred by the principles of estoppel from reverting her status after she has acted upon that authorisation. It was also stated on behalf of the petitioner that subsequently, the petitioner's name was once again reflected under Priority-I in the last nominal roll issued by the Office of DG AFMS letter dated 09.09.2025. Pursuant thereto, the petitioner requested for reconsideration and inclusion of her name under Priority-IV for NEET PG Exam 2025 but said request of the petitioner was rejected by the respondents on the ground that, no specific request was made for the withdrawal of petitioner's candidature under Priority-I.

13. The case of the petitioner was also that the respondents have issued Priority-IV NOCs on 30.07.2025 and 06.08.2025 and that, it is a clear admission that they had already processed and accepted her transition under Priority-IV. Consequently, the respondents' sudden insistence on a formal



withdrawal on 09.09.2025, after the exam, is arbitrary and *post-facto* justification to deny her a seat, especially when no such mandatory withdrawal clause exists in the original Training Rules dated 19.09.2023 or the notification dated 21.03.2025.

14. The Tribunal, while dismissing the OA of the petitioner, in paragraph no. 64 onwards has held as under:-

“64. As far as the contention of this applicant to say that she could appear as a civil candidate based on the NOC granted is also not tenable in law and on facts, for the reason that NOC grants permission to appear in MCC Counseling for seats in Government/Private Medical Colleges and the release of an officer is subject to securing a seat as per her merit-cum-choice or on seeking civil employment. It is seen from the records that in-service SSC candidates are granted permission as civil candidates in the NEET PG 2025 examination who are released from service upon securing/selecting a seat as per their merit and choice through MCC counseling. The applicant had submitted her application for Priority I which was accepted by the respondents and there is nothing to show that she wanted to appear as a civil candidate. As far as the contention of the applicant that she was posted in an area where she was not in communication with the office and was unaware of the communication made fixing the date for change of priority, in our considered view, it is nothing but an afterthought. The records indicate that based on the notification issued on 21.03.2025, when the applicant submitted her application and when she sought change of priority, her case was considered by the Board of Officers, where they found her ineligible for grant of Priority IV and the same was promulgated on 09.09.2025. All factors, even with regard to reasons which prevented her to request for change as pointed out, were considered by the Board of Officers.

65. That apart, we find that all details and particulars with



regard to the examination, the communications made and information with regard to the examination as notified from time to time by the office of DGAfMS/DG-ID is maintained on an official website i.e. afmcdg1d.gov.in, wherein there is a section titled “Information Bulletin for PG Course in the AFMC Institute through NEET PG”. It is also seen from the records that various web notices pertaining to timelines, submission of documents, etc. are notified and circulated in the website. That being so, the contention of the applicant that on account of her posting she was not aware of the change is something which cannot be accepted and which seems to be an afterthought. That apart, judicial notice can be taken of the fact that communication between various members who form a common group and were participating in such examination is common these days and information flows through various means through the modern system of communication through web portals, social media, etc. and it is not proper to say that in this age of technological advancements a candidate has to depend only on the official, physical communication made to receive information about any change. As such, the contention of the applicant that she was not aware of the change because of her posting in a particular field area, in our considered view, is not acceptable.

66. The records indicate that Applicant No. 1 had participated in the examination fully aware of various policies and rules governing conduct of the examination and she did not forward her application in time for change of priority from Priority I to Priority IV. However, in para 21 of the counter affidavit filed by the respondents, it is indicated that the applicant is free to participate in the MCC counseling as a “civil candidate” since she has completed her initial contractual SSC tenure as per the NOC already granted to her. The respondents point out in para 22 of their counter affidavit that the NOC for appearing in NEET PG 2025 as a civil candidate is based on the release application forwarded by an in-service SSC officers (Applicant No. 1) who had completed their initial



contract service period. It is emphasized that NOC is not permission for appearing under Priority IV candidature. The applicant was granted permission to appear as a civil candidate which is Priority V permitting her to appear in MCC Counseling for seats in Government/Private Medical Colleges and release is subject to her securing a seat as per merit-cum-choice.

67. Finally, one of the arguments advanced by Applicant No. 1 was to the effect that the change of her right to appear as a candidate for which counselling was held via video conferencing on 30.10.2025 and her contention that change of her CR criteria was intimated to her very late, is concerned, it is the case of the respondents that initially the applicant was found ineligible due to adverse remarks in the Annual Confidential Reports (ACRs) for the years 2022, 2023 and 2024 in accordance with Para 8(b) of the Training Rules dated 19.09.2023 and she was placed at Sl. No. 3 in Appendix B of the letter Annexure R8 dated 29.10.2025. However, there was some error, and on 29.10.2025, the CRD Cell of the office of DGAFFMS intimated that this was not correct. Accordingly, the list of revised eligible candidates was again promulgated vide Annexure R9 on 29.10.2025 and the applicant was placed at Sl. No. 301 as per the merit list. From the records and the assertions made by the respondents in this regard, it is seen that the applicant's AFMC merit for grant of Priority I category seat as per Annexure R9 was at Sl. No. 301 in Appendix A and the last candidate in this category i.e. AFMC merit who has been allotted a seat under Priority I, was at Sl. No. 232. That being so, even if the applicant had attended the counselling, she would not have secured a seat based on her merit rank in this category, and therefore, it is seen that correction in her CR dossier and inclusion of her name in the priority list Annexure R9 dated 29.10.2025 cannot be a ground to say that for want of information the applicant could not appear in the counseling to secure a seat and the same is also found to be unsustainable in law.

68. As far as the legal principle governing change of



priority is concerned, the same has been subjected to consideration by the Hon'ble Supreme Court in accordance with the "doctrine of approbate and reprobate", and in the case of *Union of India and others v. Manju Arora and others* (2022) 2 SCC 151, the doctrine of approbate and reprobate has been considered in detail. In para 19 of the said judgment, the following principles are laid down:

*"In the above circumstances, we find merit in the submissions made on behalf of the appellants. Consequently, it is declared that the employees who have refused the offer of regular promotion are disentitled to the financial upgradation benefits envisaged under the OM dated 9-8-1999. In this situation, the Scottish doctrine of "approbate and reprobate" springs to mind. The English equivalent of the doctrine was explained in *Lissenden v. C.A.V. Bosch Ltd.* wherein Lord Atkin observed at: (AC p. 429)*

"... In cases where the doctrine does not apply the person concerned has the choice of two rights, either of which he is at liberty to adopt, but not both. Where the doctrine does apply, if the person to whom the choice belongs irrevocably and with knowledge adopts the one he cannot afterwards assert the other."

The above doctrine is attracted to the circumstances in this case. The employees concerned cannot therefore be allowed to simultaneously approbate and reprobate, or to put it colloquially, "eat their cake and have it too/" It is declared accordingly for the respondents in CAs Nos. 7027-28 of 2009."

In the case of the applicant, in the matter of change of priority, the said doctrine is attracted and therefore once the applicant had opted in a particular category as her priority, she cannot be permitted to switch over and change her priority on the grounds canvassed in this application. Accordingly, with regard to the applicant in OA No. 3924/2025, Maj Minakshi Dhabhai, we see no case made out for interference by this Tribunal.



Applicant No. 2

69. As far as Applicant No.2, Maj Sangeeta in OA No.3795/2025 is concerned, her first argument with regard to the act of the respondents in permitting change of priority in the NEET 2024 examination and prohibiting the same by incorporating para 11 in the notification dated 21.03.2025, is concerned the same has already been discussed while considering the case of Applicant No. 1 Maj Minakshi Dhabhai in OA No. 3924/2025, and for the same reasons, we find that this contention of Applicant is not acceptable. That apart, with regard to the change in the schedule of the examination which was subsequently changed vide NBEMS circular dated 07.06.2025, it is clear that the last date for submission of the application was 01.08.2025. It is the contention of the respondents that this applicant initially forwarded documents pertaining to both Priority I and Priority IV categories but, vide her email dated 15.07.2025, specifically indicated that her case be exclusively considered under Priority I. Therefore, it is the case of the respondents that this applicant was considered under Priority 1 and records indicate that initially this applicant submitted her application vide Annexure R4 in April 2025 seeking permission to appear as a Priority 1 candidate and the same was received in the office of DGAFMS on 13.05.2025. As per the document submitted, the applicant had filled up Annexure B, i.e., an application for Priority I.

70. The Board of Officers was convened on 28.05.2025 to scrutinise the applications and prepared the list of AFMS Officers in the Priority I category. The list of eligible candidates/officers was circulated vide Annexure R5 on 29.05.2025 and the name of the applicant is reflected at Sl. No. 591 of Appendix A to this letter. Subsequently, vide Annexure R6, the applicant submitted another application dated 30.05.2025 for permission to appear in NEET PG 2025 as a Priority IV candidate, filling up Appendix C. This was received in the office of DGAFMS on 05.06.2025. On receipt of this second application, the Board of Officers was



again convened on 10.07.2025 for assessing the eligibility of serving officers and in this, the applicant was not found eligible for Priority IV as per rule. The applicant tried to argue that the reasons for the same have not been explained, and thereafter, records indicate that the applicant submitted a Email on 15.07.2025. After submission of the Email on 15.07.2025, the Board of Officers was again convened on 31.07.2025 and on 31.07.2025, eight applications of AFMS SSC officers for consideration as Priority IV candidates were placed before the Committee. However, as the applicant, on 15.07.2025, vide her Email, had specifically requested that her case be considered as a Priority I candidate, it is the contention of the respondents that her case was not considered for priority IV. Thereafter, vide Annexure R9 on 19.08.2025, the applicant again submitted for consideration of her case under Priority IV, even though this was after 01.08.2025. However, finding multiple representations, a supplementary Board of Officers to assess eligible candidates for Priority IV was held on 04.09.2025, wherein 14 applications for change of priority from Priority I to Priority IV were considered. In the case of three candidates, the change was accepted since the applications from these officers were initiated much before 01.08.2025 but on account of administrative reasons, were received late in the office of DGAfms. In the case of the applicant and other candidates, as the change requested was after 01.08.2025, it was rejected. The specific case of the respondents is that the applicant was not found eligible for Priority IV as she had never submitted any communication regarding her consideration for Priority IV within the stipulated date and particularly when on 15.07.2025, through her Email, she had submitted for retaining herself in Priority I, the Board of Officers did not consider her request for change.

71. The respondents placed heavy reliance on the email dated 15.07.2025 submitted by the applicant to emphasise that she had specifically requested to be considered in Priority I, whereas the applicant refers to Annexure R10



letter dated 28.07.2025 to emphasise that the email was an act of error committed by her as a result of auto-correction and technical error. The counsel for the applicant heavily relied upon the communication dated 28.07.2025 (Annexure R10) and its acknowledgment by the respondents to contend that in this communication the applicant had sought a change to Priority IV and that ignoring the same, the act of the respondents in insisting upon acting on the basis of the email is, according to the counsel for the applicant, arbitrary and unreasonable. However, taking us through the communication Annexure R10 available on record and the enclosures sent therewith, it was argued by the respondents that this is a letter sent by a JCO and that in this letter only certain communications made by the applicant have been forwarded. The records indicate that vide Annexure R10 dated 28.07.2025, on behalf of the applicant, the office had forwarded copies of her unit letter dated 23.04.2025 and letter dated 04.05.2025 along with copies of duly filled Annexure B and Annexure C in terms of letter dated 21.03.2025, i.e. both for Priority I and Priority IV and nothing more.

72. We have gone through the document Annexure R10 dated 28.07.2025. In this letter, there is no specific indication to show that the applicant wanted to be considered in Priority IV. The issue is as to what is the effect of the Email forwarded by the applicant and how the explanation of the applicant that the submissions or the indications made in the Email were on account of auto-correction error, etc. is to be treated. The Email is available on record as Annexure R9, which clearly indicates that the applicant had specifically prayed that her case be considered only in Priority I and nothing more. The question is whether this contention of the applicant—that the email was sent by mistake and that the priority indicated therein was on account of auto-correction, etc.—can be accepted or not.

73. Sending of the email by the applicant is admitted. If, after sending the email, the applicant found that on account



of auto correction, etc., there was some mistake in the email, she should have immediately corrected the same. However, the applicant chose to keep quiet and permitted the respondents to proceed with the matter treating the email dated 15.07.2025 as her final choice of priority category for the examination in question. In the absence of there being any mala fide or allegations of bias against any individual officer, we are unable to accept this contention of the applicant.

74. As far as the explanations given with regard to the communication made on 28.07.2025 vide Annexure R10 and indicating change to Priority IV are concerned, this also does not prove the case of the applicant, inasmuch as this communication is only by a JCO forwarding certain earlier communications of the applicant. There is nothing specifically mentioned in this letter to show that in this communication made on 28.07.2025 through the office is for the purpose of treating her as a candidate in Priority IV. This document only refers to a unit letter dated 23.04.2025 along with copies of both Appendix B and Appendix C submitted by the applicant, i.e. for Priority I and Priority IV. There is nothing in this communication or in the enclosed documents to show that, after her email dated 15.07.2025, the applicant, through this communication, intended to emphasize that she was seeking a change of priority to Priority IV, as there is some error in the email dated 15.07.2025. Once the applicant has made a specific choice vide email dated 15.07.2025 (Annexure R7), the vague and unspecified communication made on 28.07.2025 cannot be a ground to hold that the applicant did make a choice or change of priority prior to 01.08.2025. That apart, available on record is another email of the applicant dated 19.08.2025, filed by the respondents as Annexure R9, the email shows that it was sent on 19.08.2025 at 20:52 p.m after the results to the OIC AFMS, wherein the applicant states that she wanted to be counseled only under Priority IV for admission in AFMS PG Teaching Institute. This request was made after the stipulated date. In our



considered view, once the applicant has expressed her desire specifically vide email Annexure R7 dated 15.07.2025, before the cut of date, i.e., 01.08.2025, to consider her case as a Priority I candidate, in the absence of there being any specific withdrawal of the same by the applicant and a specific request to consider her candidature as a Priority IV candidate before the cut-off date, we cannot, based on vague and unspecified allegations and the communication Annexure R10 dated 28.07.2025, grant any benefit to the applicant.

75. As far as consideration of the applicant's case as a civil candidate based on the NOC granted to her is concerned, the issue has already been considered and discussed by us while considering the case of Applicant No. 1 (Maj Minakshi Dhabhai) in OA 3924/2025 and the same principles and policies apply in the case of the present applicant as well. The applicant was granted an official NOC by the office of DGAFMS on 30.07.2025, wherein she was authorized to appear for NEET PG Counselling as a civil candidate. However, the contention of the applicant is that issuance of this NOC indicates that the applicant's request and documents were already available with the respondents and the applicant wants this Tribunal to draw a conclusion that the issuance of NOC on 30.07.2025 amounts to a recognition by the respondents to the effect that she was permitted a change of priority, i.e., Priority IV. However, the respondents have demonstrated that the purpose of issuing an NOC for civil candidature is totally different and this has already been considered by us in detail while taking note of this issue with regard to Applicant No. 1. We find that issuance of an NOC to appear as a civil candidate cannot be construed as consent by the respondents to say that change of priority to Priority IV was permitted. In our considered view, issuance of an NOC to appear as a civil candidate has nothing to do with change of priority to Cat IV to the applicant. That apart, it was argued by the counsel at the time of hearing that, following the reduction of cut-off marks for PG candidates, the respondents permitted several



candidates to switch to Priority IV in October 2025 to ensure that the seats did not go unutilised. In this regard, the example of one Maj Sweety Rani, who obtained nearly 100 marks less than the applicant, was cited to show that she was permitted to appear as a Priority IV candidate and was allotted a seat. This fact has been explained by the respondents in their submissions. It is seen from the record that the contention that Maj Sweety Rani is an ex-SSC officer of the AMC is not correct. According to the respondents, Maj Sweety Rani is a serving SSC officer who had applied for PG as a Priority I candidate and subsequently applied for release from SSC service on extreme compassionate grounds on 24.08.2025. This was duly approved by the competent authority on 03.10.2025. Accordingly, Maj Sweety Rani proceeded on release on 03.12.2025 and was struck off from the roll of the Corps on 01.01.2026. In the meanwhile, the National Board of Examinations in Medical Sciences (NBEMS) reduced the qualifying percentage for NEET PG 2025 Counselling by its web notice dated 13.01.2026. Consequently, the office of DGAFMS vide notice dated 15.01.2026 invited scorecards, admit cards and release orders from SSC AFMS officers for considering them in Priority IV ex-SSC Officers category. In response, Maj Sweety Rani, being an ex-SSC officer, vide email dated 15.01.2026 applied for consideration as a Priority IV candidate and forwarded her scorecard and release order. It is the case of the respondents that, in view of this, the case of Maj Sweety Rani was rightly considered under Priority IV, she being an ex-SSC officer within three years of release from service and duly eligible for Priority IV. On the contrary, the applicant continued to be a serving SSC officer with all rights and privileges of an officer, and therefore, cannot draw equivalence with an officer who had already proceeded on release.

76. In our considered view, the respondents have clearly demonstrated the difference in the case of Maj Sweety Rani and have indicated under what circumstances she fell under Priority IV and under what circumstances her claim was



accepted. Taking note of the totality of the circumstances and the principles culled out by us relying upon the judgment of the Hon'ble Supreme Court in Manju Arora (supra) and applying the doctrine of 'approbate and reprobate' in this case as well, we find that the applicant having consciously applied to be considered in Priority I cannot now be permitted to change her priority after the cut-off date and seek admission to a PG seat. Accordingly, both the OAs stand dismissed."

15. Suffice to state that the Tribunal at the outset has rejected one of the pleas advanced by the petitioner with regard to the respondents permitting change of priority in NEET 2024 examination and prohibiting the same by incorporating paragraph no.11 in the notification dated 21.03.2025 in its finding in the connected OA wherein the Tribunal, *inter alia*, has justified the clause.

16. On the change of schedule, the Tribunal held that, it is clear that last date of submission of the application was 01.08.2025. The Tribunal also recorded that the petitioner *vide* email dated 15.07.2025 had specifically requested that, her case be considered under Priority-I. The case of the respondents was that the representation of the petitioner has been considered under Priority-IV.

17. The plea of the petitioner was also on discrimination in as much as, out of 14 applications for change from Priority-I to Priority-IV were considered, and in respect of 03 candidates, the change was accepted due to administrative reasons they were delayed/received late in the office of DG AGMS. Insofar as the case of the petitioner and other candidates are concerned, the change was requested after 01.08.2025, i.e. after the date of



the examination, the same was rejected.

18. The case of the respondents was also that the petitioner was found ineligible under Priority-IV, and she had never submitted any communication regarding her consideration under Priority-IV within the stipulated date, particularly, on 15.07.2025, through her email, she has submitted application to retain herself under Priority-I.

19. In so far as the letter dated 28.07.2025, on which much reliance has been placed by the petitioner, the Tribunal held that there is no specific indication to show that the petitioner wanted to be considered under Priority-IV. There is a finding on fact that the email/Annexure R9, which is available on record, indicates that the petitioner had specifically prayed that, her case be considered only under Priority-I and nothing more.

20. With regard to the Annexure P-19 dated 28.07.2025, it is contended that, as far as the change to Priority-IV is concerned, the Tribunal did not accept the said communication though sent by JCO forwarding certain communications of the petitioner. It was held by the Tribunal that there was nothing specifically mentioned in the letter to show that, she be treated as a candidate under Priority-IV. The said document only refer to unit letter dated 24.03.2025 along with the copies of both Appendix 'B' and 'C' submitted by the petitioner under Priority-I and Priority-IV. There is a finding that there is nothing in the communication or in the enclosed documents to show that, after her email dated 15.07.2025, the petitioner through her communication intended to emphasise that she was seeking change from Priority-I to Priority-IV as there is an error in the mail of



15.07.2025. The Tribunal also held that the petitioner had made a specific choice vide email dated 15.07.2025.

21. The Tribunal held that the petitioner did not make a choice for change of Priority prior to 01.08.2025. In fact, the Tribunal has heavily relied upon the email dated 19.08.2025, to show that the same was sent on 19.08.2025 at 20:52 Hrs after the result to the OIC AFMS, wherein, the petitioner stated that, she wanted to be counselled only under Priority-IV for admission in AFMS PG Training. This according to the Tribunal was made after the stipulated date.

22. We are in agreement with the conclusions drawn by the Tribunal. This we say so, as the petitioner had expressed her desire, specifically vide email dated 15.07.2025 before the cut off date, i.e. 01.08.2025, to consider her case under Priority-I. In the absence of there being any specific withdrawal and a specific request to consider her candidature under Priority-IV before the cut-off date, the case could not have been considered under Priority-IV.

23. That apart, we are of the view that the examination was held on 03.08.2025 and no request for change of Priority was made to the respondents till 19.08.2025, when the results were declared. Thereafter, the petitioner had expressed her desire to be considered under Priority-IV. It was too late in the day for the petitioner to make a request for change from Priority-I to Priority-IV, as by the time, the examination was held and the results were declared. Surely, the email dated 19.08.2025 that was sent at 20:52 Hrs by the petitioner very well knowing her position in the examination.



24. We have been informed that, under Priority-I, all the candidates who have got admission, were above the merit position of the petitioner. Insofar as Priority-IV is concerned, the petitioner had not expressed the change from Priority-I to Priority-IV before the date of the examination, any subsequent attempt to seek change of priority cannot be acted upon.

25. During the course of hearing, the learned counsel for the respondents informed that there is no vacancy available as of today, as all of them have been filled. She also informs that the respondents have issued notification for the next examination and the petitioner is within her right to apply for the same.

26. Suffice to state that, it is for the petitioner to take a call in this respect.

27. The Tribunal after having considered the facts held that the OA filed by the petitioner is unmerited and dismissed the same. We are of the view; no interference is called for with the impugned judgment.

28. We accordingly, dismiss the present petition along with pending application. No costs.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

APRIL 01, 2026

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