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

+ W.P.(C) 4318/2026, CM APPL. 21074/2026 and CM APPL. 21075/2026

MR09494W LT COL HITESH KHANNAPetitioner

Through: Maj Piyush Thakran (Retd) and
Mr. Anil Kumar Chaudhary

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Amit Tiwari, CGSC, Ms.
Ayushi Srivastava, Mr. Ayush
Tanwar, Mr. Arpan Narwal,
Mr. Kushagra Malik and Mr.
Ujjwal Tyagi, Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **09.04.2026**

1. Learned counsel representing the parties do not dispute that the Armed Forces Tribunal lacks jurisdiction to decide the disputes relating to leave.
2. The Petitioner has crossed 40 years of age, which is the upper age limit for grant of permission to avail study leave for pursuing a Super Specialty Course after doing Post Graduation in the field of Medicine.
3. Learned counsel representing the Petitioner contends that delay of one and a half years in the grant of Permanent Commission resulted in the denial of such opportunity to the Petitioner.
4. *Per contra*, learned counsel representing the Respondents submits that the Petitioner was granted Permanent Commission on



11.07.2013 and he could avail as many as three opportunities for study leave. However, the Petitioner availed only one such opportunity. He further submits that the Petitioner did not secure sufficient marks in the entrance examination for the super-speciality course.

5. Learned counsel for the Petitioner further submits that there are several instances in the Army where such permission has been granted beyond the age of 40 years.

6. However, on a query put by the Court, learned counsel for the Petitioner was unable to draw attention to any such instance.

7. In exercise of writ jurisdiction, the Court is required to enforce a legal right. In the absence of any rule, regulation or instruction entitling the Petitioner to claim an additional opportunity beyond the age of 40 years, no case for exercise of such jurisdiction is made out.

8. Accordingly, the present Writ Petition is dismissed. All pending applications are also closed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

APRIL 09, 2026/sp/ad