



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

*Judgment Reserved on: 13.02.2026*

% *Judgment Delivered on: 29.05.2026*

+ **LPA 340/2024 & CM APPL. 24481/2024**

**GURU GOBIND SINGH INDRAPRASHTHA  
UNIVERSITY**

.....Appellant

Versus

**KUMAR SAURABH & ORS**

.....Respondents

**Advocates who appeared in this case**

For the Appellant : Ms. Anita Sahani, Advocate

For the Respondent : Dr. Sumant Bharadwaj, Ms. Mridula Ray Bharadwaj, Dr Vedant Bharadwaj & Ms. Pooja Gupta, Advocates for R-1&2.

Mr. Vikrant Nitesh Goyal, Mr. Yash Basoya, Mr. Rakshit Tyagi & Mr. Kunal Dixit, Advocates for R-3.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE TEJAS KARIA**

**JUDGMENT**

**TEJAS KARIA, J**

1. The present Letters Patent Appeal has been filed challenging the judgment dated 18.03.2024 (“**Impugned Judgment**”) passed in W.P.(C) No. 12757/2023 (“**Writ Petition**”) titled as ‘*Kumar Saurabh & Anr. v. Union of India & Ors.*’ which was allowed.



## **FACTUAL MATRIX**

2. The Appellant University was constituted under the Guru Gobind Singh Indraprastha University Act, 1998, enacted by the Legislative Assembly of the National Capital Territory of Delhi, and commenced functioning in the year 2007.

3. Respondent No. 3, the Ministry of Defence (“**MoD**”), issued Circular dated 30.11.2017 bearing F. No. 6(1)/2017/D(Res.II) (“**Circular**”), laying down the *inter se* priority for reservation in favour of wards of Armed Forces personnel by States and Union Territories for admission to medical, professional, and non-professional courses.

4. During the period 2021-2022, instructions were issued by the Kendriya Sainik Board in respect of the applicants seeking reserved Defence seats in medical and dental colleges as Government of India nominees under the MoD quota. The Joint Entrance Examination (Main), 2022 was conducted on 08.08.2022.

5. Respondent No. 1, Mr. Kumar Saurabh, and Respondent No. 2, Ms. Kumari Subhargi Priya, are the siblings of Mr. Kumar Shubham, a sailor in the Indian Navy, who died in harness on 16.09.2022 (“**Deceased**”).

6. In the year 2023, the Appellant issued its Admission Brochure for the Academic Session 2023-2024, setting out the reservation policy applicable to the wards of Defence personnel.

7. The Naval Pension Office, Mumbai (“**Pension Office**”), *vide* letter bearing No. NAVPEN/GB/IOFDRC/257519Y dated 10.02.2023, clarified the names of the family members of the Deceased available on record and



further stated that the expression ‘Dependent’ would apply only to his next of kin.

8. The Rajya Sainik Board / Zila Sainik Board (“**Board**”) issued a Dependent Identity Card of Ex-Servicemen in the name of Respondent No. 1, recognising him as a ‘Dependent’ of the Deceased. Thereafter, on 13.04.2023, the Kendriya Sainik Board issued directions amending the guidelines governing the issuance of identity cards to dependents of ex-servicemen.

9. Respondent Nos. 1 and 2 appeared in NEET UG 2023, conducted on 07.05.2023. On the basis of their respective ranks, they were allocated to the Appellant for admission, pursuant to which they uploaded their profiles on the Appellant’s website. At that stage, the requisite documents, including the Relationship Certificates issued by the Pension Office, were also uploaded on the said portal.

10. The Pension Office issued a Relationship Certificate bearing No. IOFDRC/1355(B) dated 22.05.2023 (“**Relationship Certificate**”) on the request of Mr. Baidya Nath Singh, father of Respondent Nos. 1 and 2. The Relationship Certificate recommended Priority-III for the purpose of reservation in favour of the wards of Armed Forces personnel. On the same date, the Board issued Dependent Identity Cards of Ex-Servicemen in the names of Respondent Nos. 1 and 2, recognising them as dependents of the Deceased.

11. The Office of the Principal Controller of Defence Accounts (Pensions) issued a Pension Payment Order dated 09.06.2023 in favour of Mrs. Neeraj Singh, the mother of the Deceased, recognising her as the sole ‘Dependent’ of the Deceased.



12. On 30.06.2023, Respondent Nos. 1 and 2 generated their candidate profiles on the portal of the Appellant for admission to the MBBS course. Thereafter, a Provisional Seat Allotment Letter dated 07.08.2023 was issued by the North Delhi Municipal Corporation Medical College, Hindu Rao Hospital (“**NDMC College**”) in their favour. Subsequently, Dr. Baba Saheb Ambedkar Medical College and Hospital (“**College**”), *vide* e-mail dated 25.08.2023, sought clarification from the Board as to whether Respondent No. 1 was eligible for the Defence quota.

13. The Pension Office thereafter issued a Dependency Certificate dated 31.08.2023 (“**Dependency Certificate**”), recording that the Deceased had two younger siblings, namely Respondent Nos. 1 and 2, and further stating that, being the sole earning member, his family had been dependent upon him during his service tenure.

14. Upon receipt of a complaint in the grievance cell, an inquiry was addressed to the Board seeking clarification as to whether Respondent Nos. 1 and 2 were eligible for reservation. The Board, *vide* e-mail dated 13.09.2023 addressed to the College, clarified that Respondent No. 1 was not eligible for the Defence quota under the existing Naval Policy. Pursuant thereto, the College issued a communication dated 14.09.2023 to the Appellant stating that Respondent Nos. 1 and 2 were found ineligible for admission to the MBBS course under the Defence quota. Consequently, the Admission-in-Charge of the Appellant issued a Notice of Cancellation of Admission dated 19.09.2023 (“**Cancellation Notice**”) in respect of Respondent Nos. 1 and 2 in view of the aforesaid communication dated 13.09.2023.



15. Respondent No. 1 issued a Legal Notice dated 20.09.2023 to the College, the Board, and the Appellant. Thereafter, the Appellant, *vide* e-mail dated 21.09.2023 addressed to the Dean, NDMC College, communicated the cancellation of the Admission Letter issued to Respondent Nos. 1 and 2. Aggrieved thereby, Respondent Nos. 1 and 2 instituted the Writ Petition seeking quashing of the Notice dated 19.09.2023 and maintenance of *status quo* in relation to their admission / seats. Respondent Nos. 1 and 2 did not challenge the decision of the Board regarding cancellation of their dependent status and the identity cards issued in their favour.

16. *Vide* the Impugned Judgment, this Court allowed the Writ Petition, holding that Respondent Nos. 1 and 2 were entitled to relief, and set aside the cancellation of their admission effected by the Appellant *vide* letter dated 19.09.2023. The learned Single Judge further directed that Respondent Nos. 1 and 2 shall not be restrained from appearing in their examinations on the ground of shortage of attendance during the pendency of the Writ Petition.

17. Being aggrieved by the Impugned Judgment, the Appellant has preferred the present Appeal.

18. *Vide* order dated 29.04.2024 passed in the present Appeal, the Notice was issued and till further orders, Impugned Judgement was directed to be stayed. Respondent Nos. 1 and 2 thereafter preferred Special Leave Petition (Civil) No. 12549/2024 before the Supreme Court challenging the order dated 29.04.2024 passed in the present Appeal, which was dismissed *vide* order dated 04.06.2024.



## **SUBMISSIONS ON BEHALF OF THE APPELLANT**

19. Ms. Anita Sahani, the learned Counsel for the Appellant made the following submissions:

- 19.1. The learned Single Judge failed to take into consideration the Relationship Certificate, which expressly records that it was issued at the request of the individual concerned and ought not to be treated as a dependency certificate. The question of dependency, it is stated, is liable to be verified and ascertained in accordance with the applicable policy framework.
- 19.2. The learned Single Judge further failed to appreciate that the admission brochure / prospectus issued by the Appellant specifically clarifies, by way of a note, that the children or widow of officers and personnel of the Armed Forces who died or were disabled while on duty are required to submit a certificate to that effect. The said provision of the prospectus has not been accorded due consideration. The relevant extract of the prospectus is reproduced hereinbelow:

- “2. For admission to a seat reserved for Defence Category:*
- i. Entitlement card in original issued by the Record officer of the Unit Regiment of Armed Personnel of the Armed Forces in case of Armed Personnel.*
  - ii. The children / widow of the officers and men of Armed Forces who died or were disable on duty must submit a certificate to that effect from the following authorities.*
    - i. Secretary, Kendriya Sainik Board*
    - ii. Secretary, Rajya / Zila Sainik Board.*
    - iii. Office -in - charge, record office.”*



- 19.3. The learned Single Judge failed to take into consideration the e-mail dated 13.09.2023 issued by the Secretary of the Board, which categorically stated that Respondent No. 1, being the brother of the Deceased, was not eligible for admission to the College as a ward of Defence personnel. It was further stated by the Board that the Relationship Certificates had been issued inadvertently and that the benefit in question was not available to Respondent Nos. 1 and 2. It was for this reason, namely, that the very certificate / document on the basis of which admission had been granted stood withdrawn by the Board, that the admission of Respondent Nos. 1 and 2 came to be cancelled.
- 19.4. The Dependent Identity Cards and the Relationship Certificates issued by the Board formed the basis on which admission was granted to Respondent Nos. 1 and 2. No objection could have been raised by the Appellant at the stage of admission, and that the issue arose only after a complaint was received in the Grievance Cell and a query was thereafter addressed to the Board. It was only upon the Board informing the College that Respondent Nos. 1 and 2 were not eligible for reservation that the Appellant proceeded to question their admission.
- 19.5. The learned Single Judge failed to appreciate that, irrespective of any certificate of dependency, Respondent Nos. 1 and 2 were not legally recognised as 'Dependents' and could not be treated as wards of the Deceased. The term 'Dependent' is defined to include the wife / spouse, father, mother, an unmarried or



- unemployed son up to the age of 25 years, and an unmarried, unemployed, widowed, or divorced daughter irrespective of age. Respondent Nos. 1 and 2, being the siblings of the Deceased, would accordingly not fall within the ambit of 'Dependent' as set out in the letter dated 10.02.2023 issued by the Pension Office.
- 19.6. The learned Single Judge also failed to appreciate that the Board, *vide* letter dated 13.09.2023, had expressly communicated the ineligibility of Respondent Nos. 1 and 2. A holistic reading of the relevant clauses of the admission brochure / prospectus, the Circular issued by the MoD, and the undertaking required to be furnished at the time of counselling for admission under the Defence Personnel quota, makes it clear that the opinion of the Board governs the entitlement of candidates to such admission. This aspect was not duly appreciated by the learned Single Judge.
- 19.7. The learned Single Judge further failed to appreciate that only a Provisional Seat Allotment Letter dated 07.08.2023 had been issued by the NDMC College in favour of Respondent Nos. 1 and 2. Thereafter, the candidature of Respondent No. 1 was found to be ineligible for admission to the MBBS course under the Defence quota in the College. Accordingly, *vide* the Cancellation Notice, the Appellant informed Respondent Nos. 1 and 2 that their admission stood cancelled.
- 19.8. The learned Single Judge failed to appreciate that the present case is squarely covered by the judgment of the Coordinate Bench in



*Dr. Megha Sugandh v. State of NCT of Delhi & Ors.*, Neutral Citation: 2023:DHC:2366, wherein it was held that once the Economically Weaker Section (“EWS”) Certificate obtained by the petitioner therein had been cancelled, the continuation of her admission could not be sustained, notwithstanding that she had already pursued one year of the Post Graduate Ayurveda course, since the very basis on which the EWS claim rested had ceased to exist.

19.9. The learned Single Judge erroneously relied upon the decisions in *Mohinder Singh Gill v. Chief Election Commissioner*, (1978) 1 SCC 405; *A. Sudha v. University of Mysore*, (1987) 4 SCC 537; and *Rajendra Prasad Mathur v. Karnataka University*, 1986 Supp. SCC 740, while rendering the Impugned Judgment.

19.10. Accordingly, it is submitted that the present Appeal deserves to be allowed and the Impugned Judgment is liable to be set aside.

#### **SUBMISSIONS ON BEHALF OF RESPONDENT NOS. 1 AND 2**

20. Dr. Sumant Bharadwaj, the learned Counsel for Respondent Nos. 1 and 2 made the following submissions:

20.1. Based on the Circular, Respondent Nos. 1 and 2 applied for admission under Defence Category Priority-III. At every stage, including during physical counselling, Respondent Nos. 1 and 2 expressly disclosed that they were the brother and sister of the Deceased and duly apprised the Appellant of the said relationship.



- 20.2. The seats allotted to Respondent Nos. 1 and 2 were granted after due scrutiny, and admission letters were accordingly issued in their favour. It was only thereafter that Respondent Nos. 1 and 2 deposited the requisite fees, upon which fee receipts were issued by NDMC College.
- 20.3. The requisite documents were duly verified in the course of the admission process and were found to satisfy the requirements stipulated by the Admission-in-Charge of the Appellant.
- 20.4. Following the confirmation of their admission, Respondent Nos. 1 and 2 regularly attended classes at their respective allotted colleges. Thereafter, the Appellant issued the Cancellation Notice, whereby the admissions of Respondent Nos. 1 and 2 came to be cancelled.
- 20.5. The Appellant's decision to cancel the admissions of Respondent Nos. 1 and 2 solely based on an unsubstantiated communication from the Board, without any further inquiry and without disclosing a legal basis therefor, is arbitrary and unsupported by cogent material. The principles of natural justice require that decisions affecting an individual's rights and educational opportunities be founded on clear material and taken in accordance with established law and procedure.
- 20.6. The cancellation of admission was effected in flagrant violation of the principles of natural justice. An admission granted to a student, even if described as provisional, cannot be cancelled once



- it has been granted after scrutiny and verification of all documents submitted by the candidate and upon satisfaction of the competent authority that such documents established the candidate's entitlement to admission.
- 20.7. Respondent Nos. 1 and 2, being the unmarried sister and unmarried brother of a battle casualty, are entitled to be treated as wards of the Deceased unmarried soldier in terms of the Haryana Government, Human Resources Department, Compassionate Appointment Policy, 2023 dated 14.08.2023 (“**Compassionate Appointment Policy**”) and the Indian Army Recruitment Advertisement dated 06.09.2017.
- 20.8. The Compassionate Appointment Policy provides that an eligible family member includes either the brother, whether married or unmarried, or an unmarried sister of an unmarried battle casualty, subject to the consent of the parents and the other unmarried sisters and brothers.
- 20.9. The advertisement issued by Madras Engr GP and Centre, Bangalore on 06.09.2017 for enrolment under the category of wards of battle casualties specifically includes “*one real brother of an unmarried Battle Casualty*” under Priority-I, and provides for instant enrolment of “*one real brother of a battle casualty, where the deceased was unmarried or did not have a male child*”.
- 20.10. The MoD, Department of Military Affairs Notification dated 29.12.2022 regarding *Agniveers* defined the word “family” as “(i)



*in the case of a male subscriber, the wife or wives, parents, children, minor brothers, unmarried sisters, deceased son's widow and children and where no parents of the subscriber is alive, a paternal grandparent...”.*

20.11. Respondent Nos. 1 and 2 relied upon the following decisions while making the above submissions:

- i. *Ashok Chand Singhvi v. University of Jodhpur & Ors.*, 1989 AIR 823
- ii. *Rajendra Prasad Mathur Etc. v. Karnataka University & Anr.*, 1986 AIR 1448
- iii. *Sangeeta Shrivastava v. U. N. Singh and Ors.*, AIR 1980 Delhi 27
- iv. *Javed Akhtar and Another v. Jamia Hamdard & Another*, Neutral Citation: 2006:DHC:6059
- v. *Charu Sharma v. Motilal Nehru College & Ors.*, Neutral Citation: 2006:DHC:3786
- vi. *Dolly Chhanda v. Chairman, Jee & Ors.*, 2005 (9) SCC 779

20.12. Accordingly, the Impugned Judgment ought to be upheld, and the present Appeal shall be dismissed.

### **SUBMISSIONS ON BEHALF OF RESPONDENT NO. 3**

21. Mr. Vikrant Nitesh Goyal, the learned Counsel for Respondent No. 3 made the following submissions:

21.1. The Deceased, Ex-EM(R) I, died in harness on 16.09.2022 onboard INS Car Nicobar due to an electric shock sustained during operational duty. The Deceased was officially categorized



- as “Death Attributable to Military Service” (Category C) as per extant regulations. Post demise, the Deceased’s mother was granted Special Family Pension.
- 21.2. Based on the request from the Deceased’s father, the Pension Office issued Relationship Certificate identifying the brother, Respondent No. 1 and the sister, Respondent No. 2 of the Deceased. On the basis of the Relationship Certificate, the Board, acting upon these documents, issued Eligibility Certificates under Priority-III, leading to admission of Respondent Nos. 1 and 2 in the MBBS course offered by the Appellant.
- 21.3. The MoD Policy Letter No. 6(1)/2017/D(Res.II) dated 21.05.2018 (“**Policy**”) clearly outlines Priority-III applicability towards i.e., sons / daughters and not to siblings. The Relationship Certificate issued by the Pension Office mentioned that the Deceased came under Priority-III. Priority-III is reserved for the wards and the widows of Defence personnel who died in service and none of the priorities listed in the Policy provides for any reservation to brothers / sisters of Armed Forces personnel. The Board therefore, erred in issuing the Relationship Certificate to Respondent Nos. 1 and 2 classifying them as beneficiaries under Priority-III. The Relationship Certificate explicitly stated the familial relationship and contained disclaimers clarifying that the Relationship Certificate is not a dependency certificate and the dependency status is subject to verification as per the Policy. Priority-III of the Policy is reproduced hereunder:



*“Priority III : Widows/Wards of Defence personnel who died while in service with death attributable to military service.”*

### **ANALYSIS AND FINDINGS**

22. Having heard the learned Counsel for the Parties and perused the record with due care, the principal question that falls for consideration is whether the brother and the sister of a deceased Defence personnel, whose death in service was attributable to military service, are entitled to claim reservation under Defence Category Priority-III as “wards” within the meaning of the MoD Circular and the Admission Brochure issued by the Appellant for the Academic Session 2023-2024.

23. Before advertng to the rival submissions, it is apposite to set out the facts that are not in dispute. It stands admitted that the Deceased, Late Kumar Shubham was a sailor in the Indian Navy who passed away on 16.09.2022 as a result of an electric shock sustained during operational duty, and that his death was officially categorised as “Death Attributable to Military Service” under Category C.

24. It is further undisputed that the Deceased was unmarried at the time of his demise. It is likewise not in dispute that the Pension Payment Order dated 09.06.2023 issued by the Office of the Principal Controller of Defence Accounts recognised only the mother of the Deceased, Mrs. Neeraj Singh, as the sole ‘Dependent’ for the purposes of Special Family Pension. These admitted facts constitute the factual backdrop against which the present Appeal falls to be adjudicated.



25. Before recording its conclusions, it is apposite to examine the decision relied upon by the learned Counsel for Respondent Nos. 1 and 2 in *Charu Sharma (supra)*. In that case, a learned Single Judge of this Court was concerned with a comparable factual situation involving a student who had secured admission as a ward of a college employee but was subsequently found to be his cousin and not his daughter. While setting aside the cancellation of admission, the learned Single Judge specifically noted that the student had made no misrepresentation in her application and had expressly disclosed that she was the niece of the employee.

26. The Court further held that, in the absence of any suppression of material facts, the student could not be penalised for the failure of the college to properly scrutinise her application at the stage of admission. The ratio of *Charu Sharma (supra)*, therefore, lends substantial support to the case of Respondent Nos. 1 and 2, who likewise made full and candid disclosure of their relationship with the Deceased at every stage of the admission process.

27. Consequently, the admission of Respondent Nos. 1 and 2 came to be granted after due scrutiny of all documents placed before the Appellant and the Board. The undertaking submitted by Respondent Nos. 1 and 2 at the time of counselling was independently examined and countersigned by Brig. S.K. Narain on behalf of the Board, who certified, upon verification of the original documents, that Respondent Nos. 1 and 2 were entitled to admission under Defence Category Priority-III.



28. It was, therefore, not the Relationship Certificates alone that formed the basis of the admission and, in fact, the independent certification by the competent authority at the stage of counselling constituted the operative foundation on which the admission was granted.

29. The principles of natural justice require that before any adverse action is taken against an individual, particularly where valuable rights such as admission to a professional course are implicated, the person affected must be afforded a fair and meaningful opportunity of hearing. In the present case, Respondent Nos. 1 and 2 had been regularly attending classes pursuant to the admission granted to them after complete scrutiny of their documents. The Cancellation Notice came to be issued without any prior notice, without apprising them of the doubts raised regarding their eligibility, and without affording them any opportunity to place their case before the Appellant.

30. The Appellant proceeded with undue haste solely based on a one-line informal e-mail dated 13.09.2023 from Brig. S.K. Narain, without first hearing Respondent Nos. 1 and 2 on the issue of their eligibility.

31. As correctly held by the learned Single Judge, an admission granted to a student after due scrutiny of documents, even if described as provisional, cannot be cancelled without first affording the student an opportunity of hearing. This is among the most elementary requirements of a fair procedure, and the failure to observe the same in the present case constitutes a clear violation of the principles of natural justice, which independently vitiates the cancellation.



32. It is well settled, as laid down by the Supreme Court in *Mohinder Singh Gill* (*supra*), that an order passed by a public authority must stand on its own reasons and must disclose the basis for the decision on the face of the order itself. An order bereft of reasons and resting solely upon the informal opinion of another authority, without independent application of mind, cannot be sustained in law.

33. It is equally well settled, as enunciated by the Supreme Court in *Rajendra Prasad Mathur* (*supra*) and affirmed in *A. Sudha* (*supra*), that once admission has been granted to a student upon consideration of all relevant documents, and where the student has not suppressed any material fact, such admission cannot subsequently be cancelled merely by revisiting the same material and arriving at a different conclusion.

34. In the present case, Respondent Nos. 1 and 2 clearly disclosed at every stage that they were the brother and sister of the Deceased. All relevant documents were placed before the competent authority at the time of counselling. The subsequent change of opinion by Brig. S.K. Narain, as reflected in his e-mail dated 13.09.2023, which stands in complete contradiction to his own earlier certification, cannot constitute a lawful basis for cancellation of an admission innocently obtained.

35. It is also of significance that the Dependent Identity Cards issued to Respondent Nos. 1 and 2 continue to remain valid and have not been cancelled by any formal order. The Appellant cannot be permitted to deny the benefit flowing from subsisting identity cards while simultaneously allowing the same to remain operative. The reliance placed by the Appellant



in *Dr. Megha Sugandh (supra)* is misplaced, as that decision arose in a distinct factual context where the EWS certificate forming the very basis of admission had been definitively cancelled by a formal order of the competent authority. In the present case, no such formal cancellation of the certificates issued to Respondent Nos. 1 and 2 has taken place. Furthermore, as correctly noticed by the learned Single Judge, the decision in *Dr. Megha Sugandh (supra)* did not consider the principles laid down in *Rajendra Prasad Mathur (supra)* and *A. Sudha (supra)*, which are directly applicable here and constitute binding precedent of the Supreme Court. The said decision cannot, therefore, override the clear and authoritative pronouncements of the Supreme Court squarely attracted to the facts of the present case.

36. The contention advanced by the Appellant that Clause 6.1.2 of the Admission Brochure 2023-2024 restricts the meaning of “wards” to children and widows alone is equally untenable. The said Clause merely prescribes the nature of the certificate required to be submitted by children and widows for the purpose of admission to a Defence Category seat. It does not purport to define the expression “wards” as employed in the priority framework of the MoD Circular. The expression “wards” remains undefined both in the MoD Circular dated 30.11.2017 and in the Admission Brochure 2023-2024 of the Appellant. In the absence of a clear and unambiguous definition, a restrictive construction excluding siblings cannot be imposed.

37. As correctly observed by the learned Single Judge, if this Court in *Charu Sharma (supra)* was prepared to extend the meaning of “wards” even to cousins in appropriate circumstances, there is no justification to exclude



the brother or sister of a deceased unmarried sailor, who was the sole earning member of his family.

38. This Court finds further support for the aforesaid analysis in other policy instruments issued by the MoD itself and placed on record by Respondent Nos. 1 and 2. The Compassionate Appointment Policy recognises, for the purpose of compassionate appointment, that an eligible family member includes either the brother, whether married or unmarried, or an unmarried sister of an unmarried battle casualty, subject to the requisite consent of the parents and other siblings.

39. Similarly, the Indian Army Recruitment Advertisement issued by Madras Engr GP and Centre Bangalore dated 06.09.2017 specifically includes “*one real brother of an unmarried Battle Casualty*” under Priority-I for the purpose of enrolment, providing for instant enrolment of one real brother of a battle casualty where the deceased was unmarried or did not have a male child. Further, the Notification dated 29.12.2022 issued by the MoD, Department of Military Affairs, concerning *Agniveers*, defines the term “family” to expressly include minor brothers and unmarried sisters of a male subscriber.

40. Taken cumulatively, the aforesaid instruments issued by or under the authority of the MoD demonstrate that the broader defence policy framework of the Government of India has consistently recognised siblings of an unmarried deceased soldier as forming part of the family unit entitled to the benefits and protections extended to the wards of Defence personnel.



41. Therefore, the contention of the Appellant that the expression “wards” in the MoD Circular was never intended to include siblings of a deceased unmarried sailor cannot be accepted, when other policy instruments of the MoD expressly recognise and protect such siblings as members of the family of the deceased.

42. Upon due consideration of the submissions advanced by learned Counsel for the Parties, we are of the considered view that the Impugned Judgment correctly appreciates both the factual matrix and the governing legal principles. The learned Single Judge rightly held that the cancellation of admission of Respondent Nos. 1 and 2 stood vitiated by the absence of reasons, violation of the principles of natural justice, and the failure to apply the law as settled by the Supreme Court. The reliance placed by the Appellant on the authorities cited on its behalf is misplaced as those decisions are distinguishable on distinct factual situations where the grounds for cancellation stood duly established on credible material, which is wholly absent in the present case.

43. We are also of the view that the learned Single Judge correctly concluded that the Appellant had failed to justify the cancellation of admission of Respondent Nos. 1 and 2, particularly in view of the complete absence of independent reasoning in the Cancellation Notice, the violation of natural justice, the *bona fide* of Respondent Nos. 1 and 2, and the *volte-face* of Brig. S.K. Narain, who had himself countersigned their undertaking at the time of counselling and certified their eligibility under Defence Category Priority-III, only thereafter to opine, without any formal reasoning or order, that they were not so entitled.



44. The principles laid down in *Mohinder Singh Gill* (*supra*), *Rajendra Prasad Mathur* (*supra*), *A. Sudha* (*supra*) and *Charu Sharma* (*supra*) apply squarely to the facts of the present case and support the restoration of the admissions of Respondent Nos. 1 and 2. The Impugned Judgment does not suffer from any legal infirmity, perversity, or error apparent on the face of the record so as to warrant interference in this Appeal.

45. In view of the foregoing analysis, we find no ground warranting interference with the Impugned Judgment dated 18.03.2024, which is accordingly upheld. The present Appeal, along with the pending Application, is therefore dismissed.

46. As a result, order dated 29.04.2024 passed in the present Appeal granting stay of the Impugned Judgment till further order stands vacated and Respondent Nos. 1 and 2 shall be entitled to continue their studies in the MBBS course at their respective colleges and to all consequential reliefs available in law. There shall be no order as to costs.

**TEJAS KARIA, J**

**DEVENDRA KUMAR UPADHYAYA, CJ**

**MAY 29, 2026**

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