



2025:DHC:10503-DB



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

**Judgment reserved on: 11.11.2025**  
**Judgment pronounced on: 27.11.2025**

+ W.P.(C) 11657/2024

EX FLT CDT TARANG BHARDWAJ .....Petitioner

Through: Petitioner in person.

versus

UNION OF INDIA AND ORS .....Respondents

Through: Mr. R.V. Sinha, Mr. A S Singh,  
Mr. Amit Sinha and Ms. Shriya Sharma,  
Advs.  
Mr. Kalyan Babu Singh, GP for UOI.

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

**JUDGMENT**

% **27.11.2025**

**OM PRAKASH SHUKLA, J.**

1. The present writ petition has been filed under Article 226 of the Constitution of India seeking the following relief(s):-

*“a) For issuance of writ in the nature of certiorari for setting aside the order of dismissal dated 21.06.2024 from the Air Force*



2025:DHC:10503-DB



*Academy*

*b) To issue writ in the nature of mandamus directing the Respondents to reinstate the Petitioner into the Academy and to allow Petitioner to continue his training.*

*c) To issue writ in the nature of mandamus directing the Respondents to disburse the outstanding monthly arrears for the training Period”*

2. The facts leading to the present petition are that the petitioner having cleared the National Defence Academy (NDA) entrance examination 2019, joined the Academy in 2020, and passed out on 30.05.2023 after completing his training.

3. Following his training, he joined the Air Force Academy (AFA) in June 2023 in the Logistics Branch, and around September 2023, the petitioner is reported to have developed Grade-4 acne and was placed on isotretinoin medication at Military Hospital (MH) Secunderabad.

4. Subsequent to this, an incident of serious indiscipline was reported, wherein the Petitioner was alleged to have been involved in a theft of Hand Held Monitor (HHM) belonging to another trainee cadets, his involvement was alleged to have been established through a CCTV footage. Therefore, following the procedure laid down in Air Force Order<sup>1</sup> No. 30/2015, an informal investigation was instituted where both the statements of witnesses and petitioner were recorded to examine the alleged incident.

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<sup>1</sup> “AFO” hereinafter



5. Thereafter, following the aforesaid informal investigation and treating the said incident as an act of serious indiscipline within the meaning of Para 9(d) of AFO 30/2015, the matter was placed before a Training Review Board<sup>2</sup>.

6. The TRB relying on informal investigation, in its recommendation recorded that the petitioner was involved in two incidents concerning Hand Held Monitors (HHMs). On the first occasion, it was alleged that an HHM belonging to a fellow cadet was found in petitioner's room and on the second, that an HHM belonging to another cadet was taken by petitioner and the same was replaced with another cadet HHM. Henceforth, the TRB purportedly relying on informal investigation, the CCTV footage, the petitioner's statements, concluded that he had committed serious indiscipline by twice engaging in theft of Hand Held Monitors (HHMs) and these acts amounted to "serious indiscipline" under Paras 9(d), 9(q) and 14 of AFO 30/2015.

7. Consequently, the TRB recommended that the petitioner's training and cadetship be terminated in terms of Paras 18(d)(iii) and 23(f) of AFO 30/2015.

8. In pursuance thereof, TRB's recommendations were approved and the petitioner's training and cadetship were terminated vide order dated 19.06.2024.

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<sup>2</sup> "TRB" hereinafter



9. It is in this background that the petitioner has approached this court by virtue of the present writ petition.

### **RIVAL SUBMISSIONS**

10. It was submitted by the petitioner, appearing in-person that in the months of November and December 2023, he began experiencing frequent illness and symptoms including low mood, loss of interest in activities, reduced energy, difficulty in concentration, disturbed sleep, negative or pessimistic thoughts, episodic anxiety and passive death wishes, for which he was referred to the Psychiatry Department at MH Secunderabad, where he underwent treatment for about a month and was placed in a low medical category. However, he asserted that his acne medication was later discontinued from February 2024 to May 2024 and that during this period of drug-free observation he did not have any psychiatric complaints.

11. It was further submitted by the petitioner that in the course of training at AFA, each cadet was issued a HHM as part of the training. The Petitioner asserts that at one point his tablet went missing, and while searching in the cadets' premises he found a tablet identical to his and, under the belief that it was his own, picked it up. It is further asserted that upon noticing another identical tablet, he left the first tablet where he found it, took the second one and left the premises, believing that one to be his.



12. Thereafter, on the following morning his original HHM was returned to him, and a fellow course mate reported his own tablet missing. Following that, CCTV footage showed the petitioner taking the course-mate's tablet, and that upon realising the error he returned the same.

13. The petitioner submitted that he lacked any dishonest intention and that the ingredients of theft were not fulfilled. Further, it was submitted that the Supreme Court in the judgment of **Chandi Kumar Das Karmarkar v. Abanidhar Roy**<sup>3</sup>, held that a bona fide claim of right, if reasonable, negates the offence of theft.

14. It was submitted that he was subjected to arbitrary and procedurally unfair treatment by the respondents, culminating in his abrupt termination through an unreasoned "Gate Pass" dated 21.06.2025, without being afforded an adequate opportunity of hearing and with only five minutes permitted to present his defence, thus violating the principles of natural justice. Reliance was placed on the judgments of the Supreme Court in **M.M. Malhotra v. Union of India**<sup>4</sup>, to submit that misconduct must involve wilful wrongdoing and not mere error of judgment, as well as on **Mohd. Giasuddin v. State of A.P.**<sup>5</sup>, to underscore the importance of the reformatory theory of punishment.

15. The petitioner further invoked the principle of proportionality and relies on the judgment of the Supreme Court in **Ranjit Thakur v.**

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<sup>3</sup> AIR 1965 SC 585

<sup>4</sup> (2005) 8 SCC 351

<sup>5</sup> (1977) 3 SCC 277



***Union of India***<sup>6</sup>, ***Bhagat Ram v. State of H.P.***<sup>7</sup>, ***Om Kumar v. Union of India***<sup>8</sup>, and other decisions, to submit that the punishment of termination is grossly disproportionate to the trivial and unintended nature of the incident, which was wholly based on mistake of fact.

**16.** Lastly, it was submitted that the impugned termination is arbitrary, disproportionate, violative of natural justice, and liable to be set aside to prevent unjust deprivation of the petitioner's rights under Articles 14 and 21 of the Constitution.

**17.** *Per contra*, the respondents case, on the other side, is that the petitioner frequently reported sick between September 2023 and December 2023 for various ailments and was provided medical treatment, but they deny that his mental health was adversely affected by isotretinoin in any manner causally connected with later events.

**18.** It is further the case of respondent that his case was placed before a TRB stated to be duly constituted for this purpose.

**19.** It was submitted by the learned Counsel for the respondent that the TRB considered the available material, including CCTV footage and written statements, and that the petitioner was given opportunities to defend himself, to put forth his version and to make a statement, in purported compliance with the principles of natural justice.

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<sup>6</sup> (1987) 4 SCC 611

<sup>7</sup> (1983) 2 SCC 442

<sup>8</sup> (2001) 2 SCC 386



**20.** The learned Counsel for respondent further asserted that the Petitioner made written admissions at different stages, including in a personal application addressed to the Chief of Air Staff after termination.

**21.** Learned Counsel for the respondents submitted that there was no illegality, perversity, or infirmity either in law or on facts in the action taken against the petitioner, and that the termination order constitutes a just, fair, and bona fide exercise of the powers vested in the competent authority, which does not warrant interference by this Court.

**22.** It was submitted that the petitioner was never “appointed” under the Armed Forces but was only undergoing training as a Flight Cadet/trainee and, as such, does not stand on the same footing as a commissioned officer.

**23.** The learned counsel for the respondents submitted that the Petitioner was found lacking in officer-like qualities(OLQ) and was therefore dealt with strictly in terms of the applicable policy, namely Air Force Order dated 30.11.2015, more particularly Para 9(d), which specifically provides for discontinuation of training on prescribed grounds.

**24.** It was submitted that the TRB was a duly constituted authority to inquire into allegations against trainee cadets, and that it is empowered under the AFO no.30/2015 to recommend termination of training on the grounds stipulated therein, and that its proceedings and



recommendations are governed by Rule 18 relating to the power of punishment, as well as Para D(iii), Para 20 regarding composition, and Para 22 prescribing time frames and procedural contours.

25. It was submitted that it is a settled proposition of law that the assessment of facts and evidence is the exclusive domain of the disciplinary authority or the appellate authority, and that this Hon'ble Court does not act as an appellate forum to reappreciate or re-evaluate factual findings, as held by the Hon'ble Supreme Court in ***B.C. Chaturvedi v. Union of India***<sup>9</sup>.

26. The respondents further place reliance on ***Union of India v. P. Gunasekharan***<sup>10</sup>, wherein the scope of judicial review in matters arising from disciplinary proceedings has been firmly circumscribed, reiterating that interference is warranted only in cases of procedural irregularity, violation of natural justice, or patent perversity, none of which, it is submitted, exists in the present case.

27. The respondents relied on the judgment in ***Ex Flight Cadet Mohit Bhandari v. Union of India***<sup>11</sup> to submit that the scope of judicial interference in cases involving termination of trainee cadets of the Armed Forces is limited and that the relationship is not akin to that of a commissioned officer.

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<sup>9</sup> (1995) 6 SCC 749

<sup>10</sup> (2015) 2 SCC 610

<sup>11</sup> 2019 SCC OnLine Del 7403





2025:DHC:10503-DB



28. The respondents also submit that the nature and quantum of penalty imposed, falls within the exclusive discretion of the disciplinary authority, and that the Court does not sit in appeal over the adequacy or appropriateness of punishment, as recognised in *Life Insurance Corporation of India v. S. Vasanthi*<sup>12</sup> and *Union of India v. Parma Nanda*<sup>13</sup>.

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<sup>12</sup> (2014) 9 SCC 315

<sup>13</sup> (1989) 2 SCC 177



## **ANALYSIS**

29. We have gone through the material on record and the relevant judgments.

30. We are conscious of the fact that this court cannot re-appreciate evidence on merits and substitute their own view of appropriate punishment in the exercise of power under Article 226 of the Constitution of India. However, time and again, the Apex Court has held that this Court is not completely powerless, while exercising its power under Judicial review in interfering with the punishment of dismissal in extreme cases where on the face of it the impugned punishment appears to be strikingly disproportionate or there is perversity or irrationality in the said punishment<sup>14</sup>.

31. Therefore, we deem it necessary to examine whether the punishment of termination of training/cadetship imposed on the petitioner for the alleged act of theft is such an extreme case or the punishment inflicted is strikingly disproportionate, arbitrary or irrational as to warrant judicial interference?

32. Before delving into the merits, we deem it essential to first examine the relevant provisions of AFO No. 30 of 2015, which regulates the disposal of disciplinary cases against trainee/cadets.

33. The petitioner has been terminated under Para 9 (d) of the AFO which mandates strict disciplinary action against trainees found

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<sup>14</sup> **Union Of India v. Sunil Kumar.** (2023) 3 SCC 622



involved in acts of theft. The act of theft is categorized as a “major indiscipline”. The relevant Para is reproduced for better clarity -

9. Act of any Trainee indulging in any of the following activities, would be construed as **major indiscipline** and Competent Authority is empowered to investigate the offence and award appropriate corrective punishment to the offenders: -

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**(d) Thefts/Fraud. Strict disciplinary action will be taken against Trainees, who are involved in any kind of theft / fraud / forgery.**

34. Further, Para 12 of the AFO 30/2015 states corrective measures and punishment for serious indiscipline. It mandates informal investigation by superior officer who may dismiss the case or refer it to the relevant authority. The relevant para is reproduced below-

“12. Any Trainee charged with committing any of the serious offences mentioned in Para-9&10 above will be investigated. **The Trainee in the first instance of indiscipline (whether on the ground or in the air), will be brought before his / her Flight Commander / Immediate Superior Officer,, who will informally investigate the case.** The Flt Cdr / Immediate Superior Officer may dismiss the case as deemed fit or refer the matter to the Chief Instructor (Flying), Chief Instructor (Ground), Senior Instructor or Chief Flying Instructor (CFI), as the case may be. Chief Instructor (Flying), Chief Flying Instructor Chief Instructor (Ground), or Senior Instructor on receipt of report regarding breach of discipline by a Cadet will:-

**(a) Ascertain facts of the case.**

**(b) Consider the circumstances which led to commission of the act,**

**(c) Consider overall performance of the Trainee in training”**

35. Para 13 of the AFO, stipulates that in cases where circumstances were beyond the control of trainee, then overall performance and



previous disciplinary records must be considered. Further, it is stipulated that act of serious indiscipline in such circumstances can be disposed of as per para 18(a) which lays down punishment of – (i) Denial of privileges (ii) Extra duties, endurance run etc. (iii) Extra drills not exceeding seven in number. Para 13 is reproduced below for perusal

*“13. In case it is established that the circumstances that led to committing of the act were beyond the control of the Trainee, then the overall performance of the Trainee (in Flying, Academics, ODT, OLQ, etc) and his/her previous history (regarding indiscipline) should be considered, while awarding punishment. The disposal of case would be as follows:-*

***(a) An act of serious indiscipline can be disposed of at the level of Chief Instructor / Senior Instructor or CFI as per Para 18(a).***

*(b) Any Trainee committing either same or different act of indiscipline for the Second time should be remanded to the Deputy Commandant AFA / AOC / Stn Cdr / Commanding Officer / Chief Instructor, who may dispose of the case as per Para 18(b).*

*(c) The cases of Trainees committing an act of indiscipline for the Third time would be referred to Comdt / AOC / Stn Cdr / CO, who may dispose of the case by awarding a punishment, as per Para 18(c), without a TRB or may decide to conduct a TRB depending upon the seriousness of the case based on the past record of the cadet and dispose of the case in terms of Para 18(c) or 18(d) (i) & (ii) or recommend, as per Para 18(d) (iii) & (iv).*

*(d) All cases of indiscipline for the third time are to be intimated to HQ TC and TRB proceedings forwarded to HQ TC”.*

**36.** Para 14 of the AFO refers to constitution of TRB in case of any act of indiscipline which reflects lack of officer like qualities or attitudinal deficiency. It stipulates that the TRB may be convened even



if the act has been committed for the first time. The relevant Para for the same reads as follows-

*“14. Notwithstanding the above, the Commandant / AOC / Stn Cdr / Commanding Officer **may order a TRB in the First instance itself, if any act of indiscipline indicates gross lack of Officer Like Qualities or Attitudinal deficiency**; even if such an act / offence has been committed for the first time by the Trainee. In this case, Comdt / AOC / Stn Cdr / Commanding Officer is to order a TRB and dispose of the case, as per Para 18(c) or 18 (d) (i) & (ii) or recommend, as per Para 18(d) (iii) & (iv). Such cases of serious indiscipline are to be intimated to HQ TC and TRB proceedings forwarded to HQ TC”.*

37. Part-IV of the AFO refers to grant of punishment and the TRB procedure. Para 17 of the Part-IV lays out guiding principles for awarding punishment. It lays down that punishments cannot be awarded arbitrarily and they must follow “guiding principles”. It mandates that the authority granting punishment must strictly observe the principles of natural justice by ensuring a fair procedure and must exercise its discretion in a judicious manner. Para 17 is re-produced below for perusal.

*“17. **Guiding Principles for Awarding Punishment**. All authorities empowered to award punishments must follow the guiding principles enumerated in the subsequent paragraphs and **must strictly adhere to the principles of natural justice**, while using their discretion judiciously. The following are the guiding principles for awarding punishment:-*

*(a) Award of punishments must be uniform and capable of standing scrutiny in a court of law.*

*(b) **Punishments must be viewed as a means of correction and not be solely punitive.***

*(c) **An 'intent' and an 'error of judgment' should be differentiated***

*(d) **Punishment awarded must be commensurate with the gravity of the offence and not harsh and disproportionate to the trainees.***



*(e) Punishment will not be carried out in public and will not be demeaning in nature.*

*(f) Punishments should aim to meet the requirements of service discipline without misplaced sympathy or undue harshness.*

*(g) Only authorised punishment will be meted out to the Trainee.”*

**38.** Further, para 23 refers specifically to the guidelines for the TRB. It lays down specific guidelines which has to be followed by TRB to ensure a fair, consistent and just decision when a trainee is accused of indiscipline. It specifically stipulates that before making a recommendation, the TRB must review the trainee's whole record, including past behaviour, prior warnings, attitude toward training. The guidelines laid out are as follows:-

*“23. Guidelines for TRB. The TRB is to consider the following for fair justice:-*

*(a) The TRB has to ascertain the facts of the case in light of the available evidence.*

*(b) It is to be clearly established that the act of indiscipline has actually been committed by the Trainee.*

*(c) The possibility of involvement of other Trainees in the act must also be looked into. The Other Trainees involved in the cases of the act committed jointly or in a group coming to light during the process of TRB, should also be summoned and questioned.*

*(d) While making recommendations, the TRB must consider the past conduct of the Trainee, his/her attitude towards training / service and the number of CDs/ warnings accumulated, so as to adjudge the overall suitability of the Trainee for continuation of training.*

*(e) A Trainee should be considered for deferment of commission and re-fighting, only if he/she possesses basic OLQ, and if it is established that the act has been due to negligence/ ignorance on*



*the part of the Trainee. In all other cases, Termination of training may be recommended.*

*(f) All cases of gross indiscipline/lack of OLQ/attitudinal deficiency should normally be recommended for termination of training.”*

**39.** The cumulative reading of the above paragraphs of AFO indicates that TRB proceedings are not averse to the principle of nature justice. Further, while recommending a punishment, the past record, attitude towards training and overall suitability of the candidate must be considered. It is also highlighted that the punishment must be viewed as a means of correction rather than being solely punitive in nature and most significantly negligence/ ignorance on the part of the trainee and situation which are out of control of trainee have been curled out as a plausible defence for not terminating his training. Also, the circumstances which led to commission of the act and the overall performance of the trainee in training also must be taken into consideration.

**40.** Adverting to the facts of the present case, the petitioner was terminated *vide* order 19.06.2024 passed by Air officer in charge at Air HQ(VB), New Delhi.

**41.** The TRB’s recommendation of termination primarily rests on the assertion that petitioner’s involvement is corroborated through CCTV footage of the incident and petitioner’s admission in written statement dated 19.11.2024 which was collected during the Informal Investigation. Therefore, a careful analysis of the informal investigation and TRB proceedings is warranted in light of AFO 30/2015 as to



ascertain whether punishment imposed is strikingly disproportionate or irrational.

42. On due and careful consideration, we find that the informal investigation carried out against the petitioner reveal that the petitioner was suffering from severe mental health issues and the same is corroborated from the statements of fellow cadets wherein they have clearly indicated the disturbed mental state of the petitioner at that point of time.

43. The statement of witness-1 categorically records that the petitioner attempted suicide twice by hanging but was unable to do so due to anti suicidal fans in the rooms. It was stated that to cover up the issue of the suicide attempt, petitioner voluntary approached Witness-4 and told her that the fan broke while he was trying to clean it. The statement of Witness-1 records that he enquired about the alleged incident of suicide attempt from Witness-4, who confirmed that she vaguely remembers that such complaint of breaking of fan was made. The statement of Witness-1 also noted that the petitioner's attempted suicide was corroborated with the statement of Witness-4.

44. Further, the statement of witness-3 also records that the petitioner, when asked why he committed the alleged act, explained that he was experiencing anxiety issues and sometimes had tendency to do things which he was not able to **distinguish as to what was right or as to what was wrong**. The statement further highlights his exemplary performance history, including successfully clearing all mandatory tests





on the first attempt. The statement also mentioned his suicidal tendencies and reflects the opinion of Witness-3 that the petitioner required medical intervention.

**45.** The statement of witness- 9 (fellow cadet), recorded that on one instance the petitioner incidentally kept his HHM in his bag and adds that although he instructed the petitioner to collect his HHM, the petitioner did not do so. Thus, corroborating the case that petitioner was under influence of psychological distress.

**46.** The informal investigation also incorporates the statement of witness-10 (fellow cadet) wherein it is stated that the petitioner had told him “*meri halat theek nhi lag rahi*” and was in poor health, spending his time resting in his cabin. Witness-10 further stated that he discovered that his HHM was missing and subsequently was located in the petitioner’s cabin, which he believed seemed to be an honest mistake.

**47.** The medical summary and opinion dated 20.05.2024 of Graded Specialist (Psychiatry) Command Hospital, Air Force, Bangalore clearly recorded that the history of the petitioner’s health wherein it is recorded that petitioner experienced low mood, lack of interest in activities, reduced energy, inability to concentrate, disturbed sleep, pessimistic thoughts, episodic anxiety and passive death wishes, which lasted till January 2024 despite Isotretinoin being stopped in December 2023. It was also recorded in its recommendation/opinion that petitioner



had symptoms of depression and anxiety from October, 2023 till February, 2024.

**48.** Further, the medical opinion dated 16.02.2024, which the respondent seems to rely upon after recording the disturbed medical state of the petitioner placed him in low medical category. The entire medical history of the petitioner, placed on record by the respondents also records petitioner being admitted to MH Secundarabad on symptoms of anxiety, disconnect from the world and intermittent loss of perception from reality and was later diagnosed as “Observation for suspected mental and behavioural disorder” around February 2024.

**49.** On the other hand, the alleged incident of theft is purported to be taken place on 14 and 16 January. Therefore, it is safe to conclude that petitioner was under the influence of serious mental and emotional disturbance during the time of alleged incident.

**50.** As the petitioner, at no stage, deviated from his stance, we find the assertion of respondents that the shield of mental health taken by petitioner is an afterthought is not sustainable. Additionally, the respondent’s plea that the negative impact of isotretinoin on petitioner’s mental health had no causal link to the subsequent events is overshadowed by petitioner’s medical history, statement of witnesses during informal investigation and petitioner’s consistent stand. Moreover, we find these trivial acts to be falling under the category of negligence and/or ignorance on the part of the petitioner. Therefore, we are unable to concur with the submission of the learned Counsel for the



respondent that the plea taken by him of deterioration of mental health is baseless and an afterthought.

**51.** Thus, after giving careful consideration to the facts of the case, medical records, medical history, the statements made in informal investigation and other record placed before us, we find that the petitioner has consistently taken a stance that he was under the influence of serious mental issues occurring due to medication during the alleged incident. The same is apparent from statements of witnesses in the informal investigation. Also, the same is further corroborated by petitioner's consistent stance as he persistently mentioned about his disturbed mental state during the time of incident and medical records.

**52.** The respondent's case against the petitioner is also that he lacks officer like quality. The same has been alleged in light of alleged incident of theft. However, after assessing the material facts of the case, we do not agree with the case of respondents. We find that the petitioner was suffering from a psychological distress the time of alleged incident. Even assuming the incident alleged theft to be true, it appears to be an isolated and one-off incident, under the influence of undergoing psychological distress at that time and at best, it may be termed to be as negligence and/or an ignorant act by the petitioner or situation where he had difficulty in choosing his course of conduct. Moreover, given his young age between 19 and 21 years, it cannot reasonably be concluded that he is now beyond reform. There is nothing on record except the alleged stray incident to concur that petitioner is unworthy of becoming



an officer, Therefore, we find that it would be unfair to categorise him as a person without officer-like qualities.

**53.** The guidelines for punishment in para 17(b) as discussed above stipulate that punishments must be viewed as a means of correction and not be solely punitive. Further, para 17(c) warrants that an ‘intent’ and an ‘error of judgment’ should be differentiated. On that account, we find that termination of petitioner cannot be viewed as corrective rather is purely punitive and career destructive. The respondents have clearly imposed harshest punishment for a first-time offender which defeats any possibility of reform. We reiterate that the alleged incident was an isolated and one-off incident and there is nothing on record to suggest that petitioner being a young trainee/cadet is beyond reforms.

**54.** Additionally, regarding the allegation of theft, we find that there is nothing on record to suggest or indicate the intention to cheat or act dishonestly as a character trait of the petitioner. The material placed before us only suggest that the petitioner had a spotless record throughout and there is not even an allegation, let alone proof of any prior incident of theft. In contrast, the contemporaneous record demonstrates that the petitioner was under stress, mentally disturbed and struggling to adjust to the training environment at the pertinent time. That situation is completely incongruous with a dishonest, and cheating mindset and completely consistent with a clear error of judgment in his actions. Hence, we find that a young trainee/cadet experiencing short term psychiatric issues or at best, whose act can be termed as negligent and/or ignorant, cannot be treated as a thief or



person unworthy of being an officer. There is nothing on record to suggest any other dishonest act and/or any financial gain on account of petitioner. Therefore, in our view, a trainee with a clean prior record from a prestigious institution like National Defence Academy (NDA) should not suffer a punishment which is destructive to this career.

55. Thus, it can be concluded from the above discussion that the alleged incident of theft lacks any intention or dishonest act of actual theft, wherein the punishment inflicted is strikingly disproportionate and irrational, calls for interference under our power of Judicial review.

56. We further note that the respondents' reliance on the acceptance in the written statement is also misconceived. On a true and plain reading of the whole statement, it is clearly evident that the petitioner has disclosed about his disturbed mental state and severe emotional turmoil.

57. The reliance placed by the respondent on the judgment of this Court in ***Ex Flight Cadet Mohit Bhandari v. Union of India***<sup>15</sup> is also found to be distinguishable on facts. As at no point in that case, the trainee/cadet there was any allegation of a disturbed mental state or any medical opinion that the trainee concerned needed medical intervention. Hence, reliance on ***Ex Flight Cadet Mohit Bhandari*** (supra) by the respondents is misplaced.

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<sup>15</sup> 2019 SCC OnLine Del 7403



**58.** We also cannot be oblivious to the fact that petitioner herein is a young cadet/trainee who has all of his life ahead of him. The petitioner has cleared the examination in his first attempt, successfully completed three years of training and through his sheer hard work earned his place at the Air Force Academy. Furthermore, there seems to be no other allegation of misconduct in all years his service as a cadet. The entire case against petitioner rest on a single episode involving the HHM which is held to be a negligence and/or ignorance act, which is a plausible defence and a hallmark of fair justice as per para 23 of guidelines for the TRB (supra).

**59.** Ergo, this Court, in view of the aforesaid peculiar circumstances, holds that this is one of those cases where punishment imposed was striking disproportionate, irrational, and inconsistent with the above discussed material. The impugned termination order, according to us, is perverse and the findings therein are such as no reasonable authority could have reached. Therefore, this Court is not only permitted but duty-bound, to set aside the punishment in the present case.

**60.** In the view of the above discussions and the facts of the present case, the writ petition filed under Article 226 of the Constitution of India is allowed and the punishment is set aside with consequential effect.



2025:DHC:10503-DB



**61.** Necessary consequential orders shall be issued and the benefits be accorded to the petitioner within a period of four weeks from the date of furnishing the certified copy of the judgment.

**OM PRAKASH SHUKLA, J.**

**C.HARI SHANKAR, J.**

**NOVEMBER 27, 2025/rjd/pa/gunn**