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

+ W.P.(C) 14740/2025 and CM APPL. 60500/2025

SAMYUKTA MENON .....Petitioner

Through: Mr. S S Pandey and Mr. Roshan Kumar, Advs.

versus

UNION OF INDIA & ORS. .....Respondents

Through: Mr. Satya Ranjan Swain, CGSC, Mr. Kautilya Birat, Mr. Ankush Kapoor, Mr. Vishwadeep Chandrakar, Advs. Major Anish Muralidhar, Army

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA**

**JUDGMENT (ORAL)**

% **30.10.2025**

**C. HARI SHANKAR, J.**

1. The petitioner Samyukta Menon, is an aspirant for recruitment to the Judge Advocate General<sup>1</sup>'s Department of the Indian Army through the Short Service Commission<sup>2</sup> (JAG-31) Course. She has filed the present writ petition challenging a declaration that the Notification dated 18 January 2023, to the extent it restricts women to three vacancies as against six vacancies for men, is *ultra vires* Articles 14, 15, 16 and 19 of the Constitution of India, and that she underwent all stages of selection but was not selected on the ground that she did not qualify, on merit, against the number of vacancies in the respective posts for which she had applied, which was reserved for women candidates.

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<sup>1</sup> "JAG", hereinafter

<sup>2</sup> "SSC", hereinafter



2. The issue that arises for consideration in the present writ is whether, after issuance of a Notification under Section 12 of the Army Act, 1950 which permitted induction of women in the JAG Branch, the respondent could have denied admission to the petitioner who secured 446 marks and was ranked 7<sup>th</sup> in the merit list in preference to male candidates with lesser marks, solely on the basis that 18 January 2023 Notification prescribed separate merit lists and earmarked only three vacancies for women.

3. The issue in controversy is squarely covered by the judgment of the Supreme Court in *Arshnoor Kaur v UOI*<sup>3</sup> as well as our decision in *Shruti Vyas v UOI*<sup>4</sup>.

4. The Petitioner submits that she stands identically placed as Arshnoor Kaur. Upon exclusion of two women candidates who are not seeking induction, she would fall within the first nine candidates and retain her 7<sup>th</sup> position in the combined merit list. As six vacancies, reserved for male candidates, remain unfilled, the petitioner would be entitled to appointment against one of the said vacancies, if allowed by the Court.

5. Mr. Satya Ranjan Swain, learned CGSC for the Union of India submits that a Miscellaneous Application No.1896/2025 has been filed before the Supreme Court seeking modification of the decision in *Arshnoor Kaur*.

6. On being quarried as to whether any interdictory orders have

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<sup>3</sup> 2025 SCC OnLine SC 1668



been passed on the said application, Mr. Swain has handed over an order dated 14 October 2025, which merely directs the Registry to decide before the Bench which had decided *Arshnoor Kaur*.

7. As such, the decision in *Arshnoor Kaur* clearly continues to apply.

8. Mr. Swain has also placed reliance on an order dated 14 October 2025 passed by a Coordinate Bench of the Supreme Court in *Seerat Kaur v UOI*<sup>5</sup>. We deem it appropriate to reproduce the order in full:

“1. We have heard Mr. Gopal Sankaranarayanan, learned senior counsel for the petitioner, Mrs. Aishwarya Bhati, learned Additional Solicitor General for the Union of India-respondent no.1 and Ms. Deepalaxmi Matwankar, learned counsel for the respondent no.2.

2. Having regard to the observations made in paragraph 117 of the decision of this Court in “*Arshnoor Kaur & Anr. v Union Of India & Ors.*”<sup>6</sup> to the effect that Union of India shall “henceforth” conduct recruitment in the manner specified in the judgment as well as publish a common merit list for all Judge Advocate General (‘JAG’) candidates, i.e., for all male and female candidates, and make the merit list public together with the marks obtained by all the candidates participating in the selection process, we see no reason to hold that the directions contained in such judgment will apply retrospectively so as to affect any process of recruitment for appointment to the post of JAG that has been initiated prior thereto, including the 35<sup>th</sup> recruitment cycle which is under consideration.

3. The writ petition, therefore, fails and is dismissed.

4. However, while taking note of the fact that the petitioner has been permitted to join the training course (which is of eleven months duration) in pursuance of an interim order passed by this Court, we permit her to complete the training course, if she so chooses. We hasten to observe that if all the eight selected candidates successfully complete their training and are appointed,

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<sup>4</sup> 2025 SCC OnLine Del 6045

<sup>5</sup> Writ Petition (Civil) No.928/2025, decided on 14 October 2025

<sup>6</sup> W.P.(C) No.772/2023



the petitioner shall have no right to seek appointment based on the result of the 35th recruitment cycle. However, in the event, fortune smiles on the petitioner and any of the eight candidates undergoing training pulls out or is otherwise declared disqualified or in case any other vacancy arises where she can be accommodated, she may be considered for appointment on successful completion of training.

5. The aforesaid direction is made as a very special case and shall not be treated as a precedent for future cases.

6. Pending interlocutory application(s), if any, shall stand disposed of.”

9. Mr. Swain seeks to interpret paragraph 2 of the aforesaid order of the Supreme Court in ***Seerat Kaur*** as holding that the directions in ***Arshnoor Kaur*** would only apply prospectively.

10. To our mind, the submission is completely misconceived.

11. If the submission were to be accepted, it would mean that the order in ***Seerat Kaur*** has undone the decision in ***Arshnoor Kaur***, as the relief that was granted in ***Arshnoor Kaur*** itself applied retrospectively. The candidates in ***Arshnoor Kaur*** had also applied prior to the decision in ***Arshnoor Kaur*** and were given the benefit of the decision. Clearly, paragraph 2 of ***Seerat Kaur*** merely accords prospectivity *to the direction in Arshnoor Kaur to prepare a combined merit list of JAG male and female candidates*. There is no other interference, in ***Seerat Kaur***, with the decision in ***Arshnoor Kaur***.

12. In fact, when one reads the order in ***Seerat Kaur*** in full, it is clear that the Supreme Court has, in paragraph 4, effectively reiterated ***Arshnoor Kaur*** by holding that the appellant before it Seerat Kaur



would be entitled to appointment if fortune smiled on her and vacancies were available. As such, *Seerat Kaur* if anything, reinforces *Arshnoor Kaur*, and does not in any manner dilute its effect.

**13.** In that view of the matter, as the issue is squarely covered, we allow this writ petition by directing that the petitioner would be entitled for being recruited as SSC Officers against the unfilled male vacancies, as, given her merit position, she will qualify for selection thereagainst.

**14.** Needless to say, however, the petitioner would have to qualify the requisite medical tests and other formalities.

**15.** We also note that, in our decision in *Shruti Vyas*, it was pointed out that the actual allocation of streams takes place after the training is complete. As we have done in *Shruti Vyas*, we clarify that the entitlement of the petitioner for deployment against the unfilled vacancies of men would be conditional on her being found suitable for deployment against the identifying corps and services in paragraph 45 of *Arshnoor Kaur*.

**16.** The writ petition stands disposed of in the aforesaid terms.

**C. HARI SHANKAR, J.**

**OM PRAKASH SHUKLA, J.**

**OCTOBER 30, 2025/dsn**