

**COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

71.

OA 2397/2024

Maj Mitender Yadav Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Anand Kumar, Advocate
For Respondents : Mr. K K Tyagi, Sr. CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
20.05.2025

This case is pending before this Tribunal since July 2024. Notice has been issued and the matter pertains to the grant of admission to the applicant in specialized course conducted by the IIT. The respondents have neither filed their Counter affidavit nor have they given any justification for the same. The applicant is seeking interim relief i.e., to grant him admission at least in the academic sessions which is to commence for the period 2025-27. Shri Anand has submitted a written argument about justification for grant of interim relief and in the same he has brought on record the communication dated 22.08.2024 about conduct of Graduate Aptitude Test In Engineering (GATE) under PGT Scheme For Academic year 2025-27 and invites our attention to the methodology indicated in Para 3 for admission to the course in question and clause (h) thereof which reads as under:

“h A two stg sys is followed for selection:-

- (i) Stg 1 Combined merit will be drawn based on the GATE score (out of 100) and MS inputs in the ratio 70 (GATE) 30 (MS Inputs). Based on the merit drawn the offrs will be fielded for interview.*
- (ii) Stg 2 The interview will be conducted by RAC DRDO. The final result will be based on the result of the interview as declared by DRDO.*

2. It is the contention of the applicant that after short listing the candidates as indicated in Stage 1 of the said clause, the marks obtained in the GATE examination are ignored and the entire selection after short listing of candidates vide Stage 1 is conducted only by an oral viva voce/interview this according to him is arbitrary and unsustainable in law in view of various judgments rendered by the Hon'ble Supreme Court. The respondents are to explain the methodology undertaken for the selection of candidates for admission to the course in question and indicate whether the submission made and the procedure laid down can be termed as arbitrary or not, or what is the justification for only selecting candidates based on the interview. As a matter of last indulgence, we grant two weeks' time to the respondents to give their say in the matter, failing which we shall proceed to decide the matter without granting any further time. That apart, in a

communication available in the written argument dated 26.11.2024 it is indicated in Para 2 as under:

2. Based on Org reqmts and inputs recd from the envt, the selection procedure for M Tech Cat - I has been revised. The selection procedure from the Acad Session 2025- 27 will be based on the cumulative performance of the candidate in all three aspects, i.e., GATE + Interview + MS Inputs. The proportionate weightage of these aspects will be such as to maint Primacy of GATE. The same is illustrated in fig 1 below:-

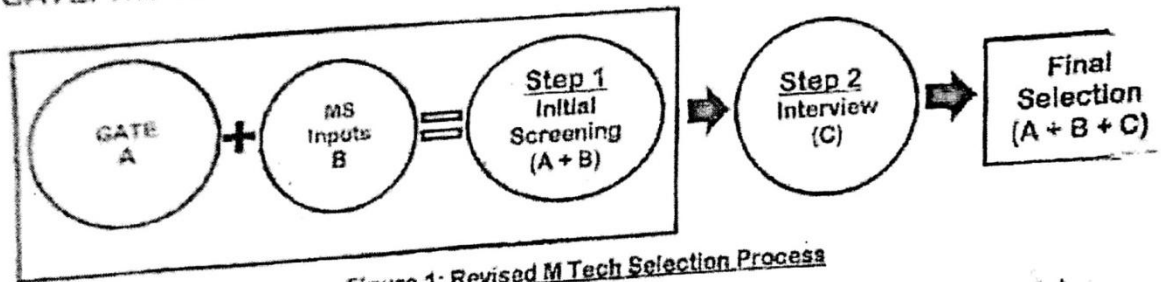


Figure 1: Revised M Tech Selection Process

The aforesaid indicates that the final selection is based on the result of the GATE examination MS Inputs + interview. If that be so, the grievance of the applicant seems to have been met but the contention of the learned counsel for the applicant is that this step is being followed only for admission to the academic session 2025-27 and in the case of the applicant the policy dated 22.08.2024 is being followed. In which case, this position should also be explained and indicated as to why in the case of the applicant also the same policy as is contained in the communication dated 26.11.2024 is not being followed. List the matter on 02.07.2025, by which date the respondents should give their clarification and an officer conversant with the matter and who can assist the Tribunal in dealing with the

issue should also be present on the said date. We make it clear that in case the respondents do not respond to the direction given above, we shall proceed to pass appropriate orders on the next date without granting any further time. A copy of this order be forwarded to GOCINC ARTRAC for his information and to bring to his notice that nobody from the department is assisting us, nor responding to the notices sent by filing counter affidavit etc since 19.07.2024.

A copy of this order be provided DASTI to learned counsel for both the parties.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[REAR ADMIRAL DHIREN VIG]
MEMBER (A)**

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