

**COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**OA 3403/2023
with
MA 4628/2023**

Maj Nehail Shahnawaz **Applicant**
Versus
Union of India and Ors. **Respondents**

WITH

**OA 3677/2023, OA 4054/2023, OA 388/2025
AND OA 280/2024 WITH MA 339/2024**

For Applicant : Mr. Indra Sen Singh, Advocate
For Respondents : Mr. Neeraj, Sr. CGSC
Gp Capt Karan Singh Bhati, Sr. CGSC

CORAM

**HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)**

ORDER

**MA 4628/2023 IN OA 3403/2023 AND
MA 399/2024 IN OA 280/2024**

Keeping in view the averments made in these applications and finding the same to be bona fide, in the light of the decision in the case of **Union of India and others** Vs. **Tarsem Singh** [(2008) 8 SCC 648], the instant applications are allowed condoning the delay in filing the OAs.

2. The MAs stand disposed of.

**OA 3403/2023, OA 3677/2023, OA 4054/2023,
OA 388/2025 AND OA 280/2024**

3. This batch of cases has been filed under Section 14 of the Armed Forces Tribunal Act, 2007, with common prayer to set aside the results of No 5 Selection Board (No 5 SB) denying grant of Permanent Commission (PC) to women officers.
4. It is stated by Mr. I.S. Singh, learned counsel for the applicants that the issue involved in these matters is covered by a judgement of this Tribunal in the case of in **Maj Suvalakhmi Borgohain** Vs. **Union of India and Ors.** (OA No.28/2022 with MA No.4443/2023 decided on 03.07.2024) and, therefore, they may be disposed of in terms of the orders passed by this Tribunal in the aforementioned case.
5. We have taken note of the factum that the applicants who were co-applicants in the case of **Maj Suvalakhmi Borgohain** (supra) have challenged the No 5 SB as well as alleged gender discrimination by the way of casual writing of their ACRs by the reporting officers. Accordingly, we have given our careful consideration to the CR dossiers and the proceedings of the No 5 SB to examine whether there has been any subjectivity or bias in the CRs resulting into non-selection of the applicants for PC.

6. Since the applicants have not challenged any particular CR through their OAs, we have not considered it essential to set aside any CR in particular. Therefore, we have perused the results of the applicants in No 5 SB and the same are placed on record in succeeding Paras.

7. **OA 3403/2023.** SS-45543Y Maj Nehail Shahnawaz is from Corps of Engineers and belongs to SSCW-07 (Technical) Course. She was considered by No 5 SB in Nov 2021. In this Selection Board, 279 candidates were considered from all branches including Technical, Non-Technical and JAG Branch. Total of 111 officers were granted PC of which 46 vacancies were sub-allocated to Technical Branch. The candidate at 46th rank in merit list who was the last officer to be granted PC in the order of merit had scored 81.26 marks. The applicant was placed at order of merit 80 with 78.88 marks. Subsequently, based on a redressal granted to her as a result of a complaint, she was considered as Special Review (Fresh) Case in Dec 2022. In this No 5 SB she scored 79.39 marks in comparison to the cut off marks of 81.26 secured by last candidate granted PC. Therefore, she was once again found to be below the benchmark of her original branch and accordingly, non-empanelled for grant of PC but granted four years extension of service.

8. **OA 280/2024**. The applicant herein is SS-45526Y Maj Harpreet Kaur from Corps of Signals who belongs to SSCW-07 (Technical) Course. She was considered by No 5 SB in Nov 2021. Her marks were 79.82 with order of merit of 66 compared to 81.26 scored by the last candidate granted PC at order of merit 46 and, therefore, she was not granted PC but granted four years extension of service.
9. **OA 4054/2023**. The applicant, SS-45449P Maj Shweta Guleria, is also from Corps of Signals and Course Serial SSCW-07 (Technical) Course. She stood at order of merit 65 with total marks of 80.00 compared to 81.26 of the last candidate granted PC at order of merit 46 and, therefore, not granted PC. She was granted four years extension of service.
10. **OA 3677/2023**. The applicant herein is SS-45393N Maj Naveena Shekhawat from Army Service Corps (ASC) and belongs to SSCW-07 (Non-Technical) Course. She was considered by No 5 SB in Nov 2021 wherein the vacancies sub-allocated to Non-Technical Branch were 61 out of total number of 111 vacancies allotted to all branches. The last candidate granted PC had total marks 80.96 whereas the applicant was placed at 87th in order of merit

with 79.55 marks and resultantly not granted PC. The applicant was, however, granted four years extension of service.

11. **OA 388/2025**. The applicant in this OA is SS-45532M Lt Col Neha Agarwal who is from Corps of EME and belongs to SSCW-07 (Technical) Course. She was considered by No 5 SB in Dec 2022 as her date of commissioning was different from other officers of her course. While the entire course SSCW-07 (T) was commissioned on 17.03.2012, the applicant was commissioned on 12.02.2013 due to medical issues. However, we have taken note of the factum that due to her consideration at a later stage by No 5 SB in Jun 2022, the vacancies available were 107 to 268 competing candidates of all branches of Technical, Non-Technical and JAG Branch. Out of total number of 107 vacancies granted for PC, vacancies sub-allotted to Tech Course was 46 in which the last candidate at merit No.46 had 81.42 marks whereas the applicant stood at order of merit 57 with 80.32 marks and, therefore, not granted PC. She was, however, granted four years extension of service.

12. With the aforesaid observation, this batch of OAs stand disposed of in terms of the order passed in ***Maj Suvalakhmi Borgohain*** (supra) as prayed for on behalf of the applicant.

13. No order as to costs.

14. Pending miscellaneous application(s), if any, stands closed.

Pronounced in open Court on this 30th day of May, 2025.

(JUSTICE RAJENDRA MENON)
CHAIRPERSON

(LT GEN C.P. MOHANTY)
MEMBER (A)

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