

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

OA 2394/2024

Major Manohar Mishra **Applicant**
Versus
Union of India & Ors. **Respondents**

For Applicant : **Mr. Anand Kumar, Advocate**
For Respondents : **Gp Capt Karan Singh Bhati, Sr. CGSC**

WITH

OA 2393/2024

Major Gaurav Singh **Applicant**
Versus
Union of India & Ors. **Respondents**

For Applicant : **Mr. Anand Kumar, Advocate**
For Respondents : **Mr. Prabodh Kumar, Sr. CGSC**

WITH

OA 2395/2024

Maj Jagdeep U **Applicant**
Versus
Union of India & Ors. **Respondents**

For Applicant : **Mr. Anand Kumar, Advocate**
For Respondents : **Mr. Jagdish Chandra, Advocate**

WITH

OA 2396/2024

Maj Vikas Verma **Applicant**
Versus
Union of India & Ors. **Respondents**

For Applicant : **Mr. Anand Kumar, Advocate**
For Respondents : **Mr. Neeraj, Sr. CGSC**

WITH

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

WITH

OA 2398/2024

Maj Varun Singh

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For Applicant

: Mr. Anand Kumar, Advocate

For Respondents

: Mr. Anil Gautam, Sr. CGSC

WITH

OA 2392/2024

Lt Col Deepan Sudarshan G

..... Applicant

Versus

Union of India & Ors.

..... Respondents

For Applicant

: Mr. Anand Kumar, Advocate

For Respondents

: Mr. Prabodh Kumar, Sr. CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER

Invoking the jurisdiction of this Tribunal under Section 14 of Armed Forces Tribunal Act, 2007, these OAs have been filed by the applicants, involving a similar question of law, and thus, are being taken up together

for consideration, with OA No. 2394/2024 titled *Maj Manohar Mishra v. Union of India & Ors.* being treated as the lead matter. However, having regard to the nature of the submissions advanced, it is considered appropriate to notice and deal with the contentions of the applicants separately, for the sake of clarity and proper adjudication.

OA 2394/2024 – Major Manohar Mishra

2. The applicant was commissioned in the Corps of Army Air Defence (AAD) and was promoted to the rank of Major on 14.04.2020. The applicant made his first attempt to the DSSC Examination on 04.09.2023 however, he could not qualify the said examination, wherein after he applied for selection under the PGT (M.Tech) Scheme pursuant to the policy dated 24 February 2022 issued by HQ ARTRAC.

3. It is the case of Applicant, that the final selection result dated 01 July 2024 suffers from manifest illegality, arbitrariness, and non-adherence to the Respondents' own binding policy dated 24 February 2022 and that the said policy unequivocally mandates, under Paragraph 20, that the overall merit for selection to the Post Graduate Training (M. Tech) course shall be prepared by assigning 70% weightage to the written examination (now conducted through GATE) and 30% weightage to MS inputs., however, contrary to this explicit prescription, the Respondents have admittedly disregarded the merit prepared on the basis of GATE scores and MS inputs and have proceeded to finalize the selection solely on the basis

of interview recommendations. Such a course of action amounts to a clear deviation from the governing policy and renders the impugned selection legally unsustainable.

4. It is elaborated by the applicant that the manner in which the selection was conducted is vitiated by arbitrariness and a complete lack of transparency. No Order of Merit, as contemplated under the policy, was ever published either prior to or subsequent to the interviews, on the contrary, the Respondents issued a communication dated 18 April 2024 specifically directing that "GATE Scores will NOT rpt NOT be entered" on the registration page for shortlisted candidates. This instruction, issued even before the interviews, demonstrates a conscious and premeditated exclusion of objective merit from the final selection process.

5. It is contended by the applicant that the policy is conspicuously silent on any exclusive reliance on interview performance or on the manner in which interview assessments were to be factored into the final merit, thereby leaving the process vague, unguided, and susceptible to subjective discretion.

6. On the comparative merit with other candidates, it is contended by the applicant that arbitrariness of the process is evident from a comparison of the Applicant's merit with that of the selected candidates, wherein the Applicant secured a GATE score of 545, corresponding to 45.45 marks, with an All-India Rank of 3874, thereby clearly satisfying and exceeding

the benchmark of technical competence envisaged under the policy. In stark contrast, a selected candidate in the same stream, Major Kamal Kant Tripathi, secured only 27.1 marks and did not even clear the GATE cut off. Despite this glaring disparity in technical merit, the Applicant was relegated to the reserve list, which unmistakably demonstrates that the selection was not conducted on the basis of merit as prescribed, but on considerations de hors the policy.

7. The Applicant further submits that his prospects were materially prejudiced by the arbitrary reduction of vacancies mid-process. While the initial policy framework and application process were premised on 30 vacancies for the relevant cadre, the number of vacancies was abruptly reduced to 20 on 02 January 2024, merely a month prior to the GATE examination. This reduction was effected without any prior notice or rational justification and after the Applicant had already committed time and effort in preparation based on the originally notified vacancies. Such a unilateral alteration of conditions mid-way through the process is ex facie unfair and contrary to settled principles governing selections.

8. It is contended that the cumulative effect of the Respondents' actions results in a violation of the Applicant's constitutional and legal rights. The impugned selection process is arbitrary and discriminatory, offending the guarantees of Articles 14 and 16 of the Constitution of India, and also impacts the Applicant's right to fair consideration and career progression

under Article 21, and that the Applicant had a legitimate expectation that the selection would be conducted strictly in accordance with the declared policy, which formed the very basis of his application and preparation. The abandonment of the prescribed weightage system at the final stage has caused serious prejudice to the Applicant and has deprived him of a fair and equal opportunity for selection to a prestigious technical course integral to his professional advancement in the Army, and thus, the applicant is before this Tribunal.

OA 2393/2024 – Major Gaurav Singh

9. It is the case of the applicant that he was commissioned into the Corps of EME on 13 December 2014 and was promoted to the rank of Major on 13 December 2020, wherein after he applied for selection under the PGT (M.Tech) Scheme pursuant to the policy dated 24 February 2022 issued by HQ ARTRAC with the objective of sponsoring deserving and competent officers for higher technical education.

10. Elaborating the factual matrix, it is submitted by the applicant that as per the policy dated 24 February 2022, a centralized selection mechanism was prescribed, wherein the Order of Merit was required to be prepared on the basis of 70% weightage of the written examination and 30% weightage of MS inputs, and that fielding of officers for interview was to be strictly on the basis of such merit, and that the competent authority decided to adopt the GATE examination in place of the Common

Selection Examination for the Academic Session 2024–26 and that all officers were directed to appear in the GATE examination and forward their authenticated GATE scorecards for further processing.

11. Detailing further, it is submitted by the applicant that he appeared in the GATE examination on 03 February 2024 and on declaration of results on 16 March 2024, secured 31.33 GATE marks with a GATE score of 383 and an All India Rank of 6425 out of 65546 candidates, which was the second highest score in the Corps of EME (Mechanical).

12. It is the contention of the applicant that despite the applicant's higher merit, the respondents reduced the number of vacancies for the Corps of EME from 30 to 20 vide letter dated 02 January 2024, which was issued after applications had already been invited, thereby adversely affecting the applicant's chances of undergoing the M.Tech course, and that he was shortlisted for interview and fielded against one Major Santosh Kumar for Robotics and Automation Systems at IISc Bangalore, even though the said officer had not qualified the GATE examination, whereas the applicant had scored significantly higher and had qualified the examination. The interview was conducted on 05 June 2024 and that the applicant appeared well prepared and performed satisfactorily. However, the final result dated 01 July 2024 placed the applicant in the reserve list despite his higher merit.

13. Attention is drawn to the contention that the Order of Merit as mandated under Paragraph 20 of the policy dated 24 February 2022 was never published either prior to or after the interviews, and that the final selection was made solely on the basis of interview recommendations and that vide letter dated 18 April 2024, clear instructions were issued by the respondents that GATE scores were not to be entered at the time of interview registration, thereby, effectively excluding GATE marks from consideration at the final stage of selection.

14. It is contested by the applicant that the non-consideration of GATE marks, despite the policy prescribing 70% weightage to the written examination, has rendered the final selection process arbitrary and contrary to the respondents' own policy, for which he submitted a representation dated 25 June 2024 to the VCOAS highlighting the anomalies in the selection process and requesting consideration of GATE marks along with interview marks, but no response was received. It is also submitted that the applicant filed an RTI application seeking clarification on the preparation of the final merit list, non-consideration of GATE marks, and the reasons for his non-selection, and that the reply to the said RTI application is still awaited.

15. It is argued by the applicant the entire selection process for PGT (M.Tech) for Academic Year 2024–26 is riddled with ambiguities, as neither the policy dated 24 February 2022 nor the subsequent letters

dated 21 August 2023, 02 January 2024, and 18 April 2024 clarify the manner in which final merit is to be prepared after interviews.

16. It is submitted by the applicant that he has been prejudiced due to the faulty and illegal selection process, as officers who did not even qualify the GATE examination were allowed to participate in interviews and were selected, while the applicant, despite being higher in merit, was denied selection.

17. On the legality, it is submitted by the applicant that the non-selection of the applicant is violative of Articles 14, 16, and 21 of the Constitution of India and also violates the doctrine of legitimate expectation, as the applicant legitimately expected that selection would be made in accordance with the declared policy, and thus, he has approached this Hon'ble Tribunal seeking quashing of the final result dated 01 July 2024 and issuance of appropriate directions for preparation of a fresh merit list by considering GATE scores, MS inputs, and interview marks.

OA 2395/2024 - Major Jagdeep U

18. The applicant was commissioned in the Corps of Signals of the Indian Army on 8 June 2013 and he was promoted to the rank of Major on 10 June 2013. HQ ARTRAC, AHQ, New Delhi, Respondent No. 4, issued the Policy for selection of Indian Army Officers for Post Graduate Training M. Tech at IISc/IITs/DIAT/BARC/IIST (ISRO) dated 24 February 2022, marked as Annexure-A/2, with 90 vacancies per year distributed as

Engineers – 30, Signals – 30, EME – 30, and that Paragraph 20 of the policy stipulates preparation of overall merit with 70% weightage to written examination and 30% MS inputs for fielding of interview.

19. It is the case of the applicant that he scored 33.33 GATE Marks with a GATE Score of 474, and had the highest GATE score among six officers fielded for three seats in Communication Engineering at IIT Delhi, with interview held on 12 April 2024, including two officers below the GATE cut-off, yet the applicant was not selected in the final result dated 01 July 2024, whereas Maj Sunil Kumar (31.67), Maj Dhanish V (29.00), and Maj Amit Kumar Srivastava (24.33) were selected.

20. It is submitted by the applicant that vide letter dated 18 April 2024, marked as Annexure-A/7, instructions were issued that GATE scores will NOT, be entered on the registration page, and that no merit list as per Paragraph 20 was declared either pre-interview or post-interview, and that final selection was made solely on the recommendations of the Interview Board, resulting in non-consideration of GATE marks and MS inputs, which caused the applicant's non-selection and violated Paras 20 and 21 of the policy.

21. It is elaborated by the applicant that the vacancies were reduced from 90 to 65 on 02 January 2024, and for the Signals Corps from 30 to 21, after applications were submitted on 22 September 2023, and that no amendment was issued after adoption of GATE vide policy dated 21

August 2023, marked as Annexure-A/3, and that the policy is silent on integration of interview marks and inter-se merit, rendering it vague and arbitrary and violative of Articles 14, 16, and 21 of the Constitution, and that no action was taken on the applicant's letter to the VCOAS dated 28 June 2024, marked as Annexure-A/8.

OA 2396/2024 – Maj Vikas Verma

22. The applicant was commissioned into the Indian Army on 08 December 2012 and was promoted to the rank of Major on 11 December 2017. He applied for selection under the PGT (M.Tech) Scheme for the Academic Year 2024–26 in accordance with the policy governing the said scheme.

23. It is submitted by the applicant that the policy dated 24 February 2022 issued by HQ ARTRAC prescribed a centralized selection process for PGT (M.Tech), wherein the Order of Merit was required to be prepared on the basis of 70% weightage of the written examination and 30% weightage of MS inputs, and that officers were to be fielded for interview strictly as per such merit and the respondents decided to adopt the GATE examination in lieu of the Common Selection Examination and accordingly, directed all eligible officers to appear in the GATE examination and forward their authenticated GATE scorecards.

24. It is the case of the applicant that the applicant appeared in the GATE examination conducted in February 2024 and secured a valid and

qualifying GATE score, thereby fulfilling the eligibility criteria prescribed under the policy for further consideration, but despite fulfilling all eligibility conditions, the respondents issued a communication dated 08 January 2024 and thereafter, reduced the number of vacancies for the relevant Corps after initiation of the selection process, which adversely affected the applicant's prospects of selection.

25. It is elaborated by the applicant that he was nonetheless shortlisted and fielded for interview against the notified course and institute and appeared before the Interview Board on the scheduled date. However, vide instructions issued by the respondents prior to the interviews, GATE scores were directed not to be entered at the time of interview registration, thereby excluding the written examination marks from consideration at the final stage of selection, and after conduct of interview, the final result was declared, wherein the applicant was not selected despite having qualified the GATE examination and having appeared for the interview, and the Order of Merit, as mandated under the governing policy, was never published either prior to or after the interview process.

26. It is contended by the applicant that the final selection was made without disclosing how the merit list was prepared and without indicating the role of the written examination, MS inputs, and interview performance in the final assessment, and not only this, the officers who had not qualified the GATE examination were permitted to participate in the

interview process and were considered for selection, whereas the applicant, despite being eligible, was denied selection.

27. It is argued by the applicant that the selection process for PGT (M.Tech) for the Academic Year 2024–26, as applied to the applicant, is arbitrary and contrary to the governing policy, and thus, the applicant has approached this Tribunal.

OA 2397/2024 – Maj Mitender Yadav

28. The applicant was commissioned into the Indian Army on 13 December 2014 and was promoted to the rank of Major on 13 December 2020. He applied for selection under the PGT (M.Tech) Scheme in accordance with the policy dated 24 February 2022 issued by HQ ARTRAC, which prescribed a centralized selection process wherein the Order of Merit was required to be prepared on the basis of 70% weightage of the written examination and 30% weightage of MS inputs, and that officers were to be fielded for interview strictly as per such merit.

29. It is submitted by the applicant that he appeared in the GATE examination conducted on 03 February 2024 and upon declaration of the results on 16 March 2024, secured qualifying marks and a valid GATE score, thereby fulfilling the eligibility requirements under the policy, but despite the applicant's eligibility and merit, the respondents reduced the number of vacancies for the relevant Corps vide letter dated 02

January 2024 after initiation of the selection process, which adversely affected the applicant's chances of selection.

30. The applicant was shortlisted and fielded for interview against the notified course and institute and appeared before the Interview Board on the scheduled date. However, the final result dated 01 July 2024 placed the applicant in the reserve list, despite the applicant having qualified the GATE examination and having been duly interviewed, and the Order of Merit, as mandated under Paragraph 20 of the policy dated 24 February 2022, was not published either before or after the interview process.

31. It is contended by the applicant that the final selection was made without disclosing the criteria applied for preparation of the merit list and without indicating how the written examination, MS inputs, and interview performance were assessed, and that the non-consideration of GATE marks at the final stage of selection is contrary to the policy dated 24 February 2022, which prescribes written examination as a component carrying 70% weightage, and hence, the applicant has filed this OA.

OA 2398/2024 - Major Varun Singh

32. The Final Result of M. Tech under the PGT Scheme for the Academic Year 2024-26, as notified through letter dated 01 July 2024, marked as Annexure-A1, is challenged by the applicant, wherein the applicant's name does not appear in the list of selected candidates, on the ground that

it is illegal and has been arrived at against the respondents' own policy issued on 24 February 2022, marked as Annexure-A2, which stipulates that based on the performance of the written test and MS inputs, an Order of Merit will be prepared by Approval Plans Branch FT Tri Services, and that the overall merit will have 70 weightage of written examination and 30 weightage of MS inputs, and that the fielding of officers for the interview would be purely based on the said merit.

33. It is contended by the applicant that the selection list has been purely made on the basis of the recommendations of the Interview Board without considering the overall merit, i.e., the marks obtained in the written test (70% of the marks obtained in GATE) and 30% weightage of MS Inputs and the marks obtained in the interview, and that the non-consideration of the marks obtained by the applicant in the written test, i.e., GATE, together with 30 % weightage of MS Inputs combined with the marks obtained in interview, has resulted in the non-selection of the applicant in the final result.

34. Drawing our attention to the selection of another candidate, it is submitted by the applicant that Major Abhinava Sharma, who has been selected in the final list, was not eligible to appear in the GATE examination, as he was from Production Industrial background, and this stream was not there in the eight streams as per ARTRAC letter dated 10 July 2023, marked as Annexure-A5, and that the applicant in the instant

case has definitely scored higher marks and score in GATE as compared to Major Abhinava Sharma, and that the applicant, is above in the merit list as prepared taking into consideration 70% of the GATE marks and 30% of the weightage of MS Inputs.

35. It is argued by the applicant that the Policy dated 24 February 2022, remains silent on the manner in which the marks obtained by a candidate in the interview are to be considered for merit, and that in the absence of any laid-down principle for the consideration of marks obtained in interview in the overall preparation of merit or otherwise, the policy itself is vitiated having no clarity, and hence, this OA.

OA 2392/2024 - Lt Col Deepan Sudarshan G

36. The applicant was commissioned into the Corps of EME with two years of ante-date seniority and was promoted to the rank of Lt Col on 14 June 2022. Similar to aforesaid applicants, as per applicant he is aggrieved by the final result of M Tech under the PGT Scheme for the Academic Year 2024-26, dated 01 July 2024, wherein the applicant was placed in the reserve list despite securing the highest marks in the Computer Science Stream within the Corps of EME in the GATE exam.

37. Alongside the contentions adopted from the submissions made by the batch applicants, the major contention of the applicant is that the final selection was purely made on the basis of interview recommendations without considering the overall merit, including the 70% weightage of

GATE marks and 30% weightage of MS Inputs, thus, effectively excluding the applicant's superior academic performance from the final selection.

38. With respect to the vacancies, it is submitted by the applicant that the number of vacancies for EME was arbitrarily reduced from 30 to 20 for the Academic Year 2024-26 in the middle of the selection process, which adversely affected the applicant's chances, therefore, violating the concept of "Legitimate Expectations" and is in violation of Articles 14, 16, and 21 of the Constitution of India, as many officers who did not meet the standards established by the GATE Cut-OFF were allowed to appear for interviews and were recommended for final selection, and hence, this OA.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS

39. Per contra, it is submitted by the respondents that the selection for post-graduate engineering courses is conducted by a high-level Selection Board chaired by the Scientific Adviser to the Defence Minister, and that the Board comprises the topmost technical authorities of the Government, thereby ensuring that the selection process is governed by professional expertise, leaving no scope for malafide or personal interest in the selection of candidates.

40. It is the case of the respondents that the primary purpose of the Selection Board is to ensure that only those officers with high academic qualifications and varied experience, who are likely to reach higher executive appointments, are selected for Post-Graduate training, and for

the Academic Years 2024–26, the selection procedure follows a structured methodology, wherein GATE marks (70%) and MS Profile (30%) are considered only for the purposes of drawing a comparative merit list and to shortlist (weed out) candidates for the final interview stage.

41. It is submitted by the Respondents that the applicants applied for the Academic Session 2024–26 but was not found fit for selection following the established procedure, for which Respondents rely upon the Policy dated 05.03.1965 issued by the Ministry of Defence, which serves as the parent scheme for selection of service officers for post-graduate courses, and which emphasizes that such selections are based on service requirements and the professional potential of the officer.

42. Respondents further rely upon the Policy dated 24.02.2022 and the nodal agency's clarification dated 21.08.2023, which mandate that the interview assessment conducted by the Technical Committee - evaluating eligibility, technical knowledge, problem-solving abilities, and overall qualifications - is the final determining factor for selection, and that this methodology is analogous to the recruitment system followed by the Union Public Service Commission, wherein preliminary academic scores are used for shortlisting, but the interview constitutes the final stage to assess the actual suitability of candidates.

43. Concluding, it is submitted by the Respondents that the interview assessments conducted by the Technical Committee were accepted and

implemented by the Service Headquarters, and on the basis thereof, the final selection of the most suitable officers was made.

CONSIDERATION

44. We have heard the learned counsels appearing for the parties and have carefully perused the record produced by the Respondents, including documents pertaining to the entire selection process involving various agencies, namely Headquarters, Army Training Command (ARTRAC), the Military Secretary's (MS) Branch, and the Defence Research and Development Organisation (DRDO). The principal issue that arises for our consideration is whether the procedure or methodology adopted for selection and short-listing of officers for Post-Graduate Training (M.Tech) courses at institutions such as IIST/IITs/DIAT/BARC/IIST (ISRO), etc., is legally sustainable or not ?

45. Before embarking upon a detailed analysis of the issue involved, it would be apposite to first examine and understand the framework governing the deputation of service officers for acquiring higher qualifications in civilian institutions. In this regard, the foundational policy governing the field, namely, the Government of India, Ministry of Defence policy letter dated 05.03.1965, assumes significance and is, therefore, required to be reproduced hereinbelow for proper appreciation of the matter :-

No 64142/EG-3/244-C/D(GB-T)
Government of India,
Ministry of Defence,
New Delhi, the 5th March, 1965
14th Phalenna, 1886 (S)

To,
The Chief of the Army Staff
The Chief of the Air Staff
The Chief of the Naval Staff

Subject: Deputation of Service Officers on Post-Graduate Engineering Courses in India and abroad.

Sir,

I am directed to state that the President is pleased to sanction a scheme for training of Army, Navy and Air Force officers in Post-Graduate Engineering Courses in India and abroad :

2. Selected officers will normally be sent to "Universities and other Post-Graduate Engineering institutions in the country. Where facilities for Post-Graduate training in a particular subject are not available in the country, officers may be deputed to institutions abroad. The total number of officers to be selected for Post-Graduate Engineering training will be 25 to 30 per year out of which about 5 may be sent abroad.

3. The Post-Graduate training will be treated as an authorised course. The pay and allowances and moves of the selected officers will be adjusted accordingly. The Government will also meet the expenditure on fees charged by the concerned institutions and the cost of books and other equipment necessary for the studies.

4. Selection of officers for the Post-Graduate courses will be made by a Selection Board consisting of :-

i) Scientific Adviser to the Defence Minister - Chairman

ii) Head of the technical Branch concerned at the Army/Naval/Air Force Headquarters.

iii) A representative of the All India Council of "Technical Education.

iv) In case the post-graduate training is in India the Head of the institution-concerned.

The Selection Board will normally consider candidates sponsored by the concerned technical Branch but it will be open to the Selection Board to select, a candidate who has not been so sponsored. The process of

selection will ensure that only officers with high academic qualifications and varied experience who are likely to go on to higher executive appointments are selected for Post-Graduate training.

5. *The candidates for Post-Graduate training should have completed 5 years of service and should not be more than 35 years old on the 1st of July of the year in which the course is to commence.*

6. *As a result of the introduction of the Post-Graduate training scheme, no increase in the cadre strength will be permitted.*

7. *The scheme is being introduced on an experimental basis and it will be in force initially for a period of 5 years from Financial Year 1965-66. It will be reviewed in 1968-69 and any further extension thereof will also be subject to a periodical review as specified in the orders granting such, extension.*

8. *Separate orders will be issued regarding the allocation of seats among the technical Branches of the three Services, list of subjects for Post-Graduate studies and institutions/countries where they will be undertaken and procedure for sponsoring of applications by the concerned Branches.*

9. *This issues with the concurrence of Ministry of Finance (Defence) vide their u.o. No 644/Ad.FA-I/65, dated the 22nd February, 1965.*

Yours faithfully,

Sd/- (T.P.Subramanian)

Under Secretary to the Government of India

Copv to 1 :-

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xxxxxxx"

46. Upon examination of the material placed on record, it is observed that the vacancies earmarked for various M.Tech courses have undergone changes from time to time. Correspondingly, the Government Sanction Letter (GSL), which prescribes the procedure for selection through the Selection Board (SB) and mandates the selection of eligible officers fulfilling the prescribed criteria, has also been subjected to periodic review. The governing policy envisages the nomination of officers possessing high academic qualifications and diverse professional experience, as required

for higher executive appointments, through a comprehensive and structured selection process for pursuing postgraduate engineering courses in civilian institutions outside the Services.

47. The officers so shortlisted are thereafter subjected to further screening by an Interview Panel presided over by the Scientific Adviser to the Hon'ble Raksha Mantri, who also functions as the Chairman, DRDO. At this juncture, it is pertinent to note that although the Graduate Aptitude Test in Engineering (GATE) has been in existence for more than a decade, its incorporation into the selection process for Service officers was affected at a comparatively later stage, meaning thereby, that the intention of incorporation of the GATE, was not purely for screening, but to ensure that the academic merit is given enough relevance in the selection process. For this purpose, Executive Instructions were issued to the Army vide letter dated 10.07.2023, which is reproduced hereinafter for ready reference :-

*“THROUGH ASIGMA
Headquarters
Army Training Command
PIN-908 548*

990065/M Tech/Trg (TT-1)

10 Jul 2023

As per Distr List

**EXEC INSTRS: ADOPTION OF GATE EXAM FOR SELECTION OF IA OFFRS
FOR POST GRADUATE TRG (M TECH-CAT I) AT IIST/IISC/DIAT/IIST
(ISRO)/ETC**

1. *Pl ref the fwg:-
(a) Apvl & Plan Br/FT&TS, HQ ARTRAC letter No A/63062/PG Policy/GS/FT&TS dt 24 Feb 22.
(b) Directions of the COAS on the subject.*

2 The Competent Authority has accorded approval for adopting the All India, Graduate Aptitude Test in Engg (GATE) Exam instead of the existing Centralised Selection Exam (CSE) process for the selection of IA Offrs for Post Graduate Trg (M Tech-Cat I) at IISIT/IISC/DIAT/IIST (ISRO)/ etc wef Academic Session 2024-26.

3. *Apropos, fwg actions are requested:-*

(a) Line Dtes & Comds GS (Trg). All affected offrs desirous of M Tech be intimated wrt prep for GATE Exam wef Academic Session 2024-26.

(b) Apvl & Plans Br. HQ ARTRAC. Necessary amdts in the Policy Letter at Para 1 (a) above be incorporated with imdt effect.

(c) Exam Sec, HQ ARTRAC. Inclusion of amdts in the AO 10/2018/GS (MT-2), post issue of new policy by Apvl & Plans Br at Para 3 (b) above.

4. *For necessary action pl.*

*Sd/-xxxxxxx
(Sibdas Bhattacharjee)
Brig
BGS (IT & PCT)
for GOC-in-C"*

48. It is, however, observed that the procedure followed during the interview process is conducted independent of the GATE scores obtained by the candidates. Likewise, the inputs furnished by the Military Secretary's (MS) Branch, which quantify various service-related performances of the candidates, are also not placed before the Selection Board at the time of interview. A perusal of the records leads us to conclude that the GATE scores relevant to the course are not made available to the Selection Board conducting the interviews for arriving at an informed and considered decision. Consequently, the interview process is conducted solely on the basis of interaction with the candidates, without any indication of their existing academic merit and service profile.

49. The records further reveal that the number of M.Tech vacancies allotted to the Indian Army was originally pegged at 90; however, for reasons not fully elucidated on record, the same was reduced to 65 with effect from the academic session 2024–2026, resulting in considerable dissatisfaction amongst the aspirant candidates. The selection of candidates based exclusively on their performance in the interview, without due regard to a quantified assessment, wherein the weightage was prescribed as 70% for GATE scores and 30% for MS inputs, and in the absence of any quantified marks being awarded during the interview process, in our considered view, gives rise to a reasonable perception amongst the candidates that the selection process is subjective, susceptible to bias, and vulnerable to human intervention without any transparent or objective safeguards.

50. We are of the considered opinion that even though marks may be internally awarded by the Interview Board, the non-placement and non-disclosure of the GATE scores and MS inputs before the Board are likely to place the members of the Board at a disadvantage, as they are constrained to select candidates based solely on a brief interaction of limited duration. Such a process, in our considered view, is unlikely to withstand the test of judicial scrutiny.

51. In this context, we find it apposite to place reliance on the observations of the Hon'ble Supreme Court in *St. Stephen's College v. Union of India*, (1992) 1 SCC 558, wherein it has been observed as under:

"63. The oral interview as a supplementary test and not a exclusive test for assessing the suitability of candidates for college admission has been recognised by this Court. But at the same time, to avoid arbitrariness in the selection it has been repeatedly held that there shall not be allocation of high percentage of marks for oral interview test. Where candidate's personality is yet to develop, it has been emphasised that greater weight has per force to be given to performance in the written examination and the importance to be attached to the interview test must be minimal. The Court has generally indicated that interview marks should not be more than 15 per cent of the total marks. (See: R. Chitrlekha and Ors. v. State of Mysore and Ors.; A. Peeriakaruppan v. State of Tamil Nadu; Miss Nishi Maghu and Ors. v. State of Jammu and Kashmir; Ajay Hasia etc. v. V. Khalid Mujib Sehravardi; Lila Dhar v. State of Rajasthan and Ors. and Koshal Kumar Gupta v. State of Jammu & Kashmir.)

52. A conjoint reading of the aforesaid observations of the Hon'ble Supreme Court makes it abundantly clear that while an oral interview is a permissible mode to supplement a written or other objective assessment, it cannot be adopted as the sole or exclusive criterion for determining the suitability of candidates for admission or appointment. The jurisprudence has consistently evolved around the concern that interviews, by their very nature, are subjective and carry a heightened risk of arbitrariness. Consequently, the Apex Court has emphasised that the interview process must be appropriately moderated and anchored to objective components, such as written examinations or quantified assessments. It has further been indicated that the weightage assigned to viva voce should ordinarily not exceed approximately 15% of the total marks, and that any selection

scheme which disproportionately enhances the weightage of the interview is liable to be viewed as constitutionally suspect.

53. Upon further perusal of the records placed before us, we find that a policy letter dated 24.02.2022 assumes relevance for the purpose of adjudication of the present case, as it delineates the foundational philosophy governing the selection of officers for M.Tech courses. In this context, the relevant provisions contained in paragraphs 7, 9, 10, 16, 19, 20 and 21 of the said policy letter are extracted hereinbelow for ready reference :-

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A/63062/PGT Policy/GS/FT & TS 24 Feb 2022

*HQ Southern Command (GS/ Training)
HQ Eastern Command (GS/ Training)
HQ Western Command (GS/ Training)
HQ Central Command (GS/ Training)
HQ Northern Command (GS/ Training)
HQ South Western Command (GS/ Training)*

**POLICY FOR SELECTION OF INDIAN ARMY OFFICERS FOR POST GRADUATE
TRAINING (M TECH) AT IIST/IISC/DIAT/BARC/IIST(ISRO)**

General

1. to 6 xxx xxx xxx

Vacancies

7. A total of 450 vacancies are available in a five year cycle i.e., 90 vacancies per year for sponsorship of Indian Army Officers for M Tech under PGT Scheme. The distribution of 90 vacancies for M Tech is as follows:-

<i>(a) Engrs</i>	<i>-</i>	<i>30</i>
<i>(b) Sigs</i>	<i>-</i>	<i>30</i>
<i>(c) EME</i>	<i>-</i>	<i>30</i>

limited purpose of preparing a merit list to short-list candidates for interview. However, it becomes necessary to place on record our findings separately with respect to the final merit list of candidates selected for admission to the M.Tech courses in various institutions and streams against the notified vacancies.

56. Before embarking upon an independent analysis of the issue involved in the present Original Application, it would be apposite to refer to the authoritative pronouncement of the Hon'ble Supreme Court in *Bishnu Biswas & Ors. v. Union of India & Ors.*, (2014) 5 SCC 774, wherein the scope and permissible extent of allocation of marks for interview, vis-à-vis written examination, came up for consideration. The Hon'ble Apex Court, while examining the legality of disproportionate weightage assigned to viva voce, observed as under:

“16. The appropriate allocation of marks for interview, where selection is to be made by written test as well as by interview, would depend upon the nature of post and no straitjacket formula can be laid down. Further, there is a distinction while considering the case of employment and of admission for an academic course. The courts have repeatedly emphasised that for the purpose of admission in an educational institution, the allocation of interview marks would not be very high but for the purpose of employment, allocation of marks for interview would depend upon the nature of post.”

57. In the present case, the governing policy itself mandated that selection was to be based on a composite assessment comprising 70% weightage to GATE marks and 30% to “MS Inputs”. In such a framework, the interview could, at best, operate as a supplementary evaluative mechanism, either integrally embedded in, or rationally correlated with,

the aforesaid objective components. However, the admitted position emerging from the record is that, in actual implementation, the oral interview was treated as the sole and exclusive determinant of selection, wholly divorced from the GATE scores and MS inputs. This unilateral departure had the effect of rendering the prescribed written and service-related components redundant and converted the selection process into a purely interview-centric exercise, which is impermissible in law.

58. Such a deviation directly collides with the settled principles governing fair selection. First, it elevates the inherently subjective interview to the status of the sole arbiter of merit; and second, it nullifies the pre-declared selection criteria of 70% GATE marks and 30% MS inputs without any lawful amendment to the policy or prior notice to the candidates. Viewed from a constitutional perspective, the process thus violates the mandate of equality in matters of selection. Judicial forums, in a catena of decisions noticed hereinabove, have consistently held that merit-based selection must rest upon transparent, rational, and pre-declared criteria applied uniformly to all candidates. Where an authority initiates the selection process on one set of norms and subsequently abandons them in favour of selection based solely on interview performance, such action is arbitrary, unfair, and hit by Article 14 of the Constitution.

59. This Tribunal also finds support in the observations of the Hon'ble Delhi High Court in its recent judgment dated 22.12.2025 in *Dr. Sachin Kumar v. National Institute of Educational Planning and Administration through its Vice-Chancellor & Ors.*, [2025:DHC:11708-DB]. Though rendered in the context of selection for employment, the principles enunciated therein are squarely applicable to the present case, particularly in addressing the apprehension of arbitrariness where an interview is treated as the sole criterion for selection. The relevant observations are reproduced hereinbelow :-

II. INTERVIEW-CENTRIC SELECTION

66. It is undisputed that the selection process adopted by Respondent No.1 was based exclusively on interview/viva-voce. No written examination or structured marking methodology was followed. The respondents have also admitted that there was no internal distribution of marks or predefined evaluation matrix for the interview. Further, no reasons were recorded for declaring the reserved PwD post as "none found suitable". Such an admission itself demonstrates the opacity and subjective nature of the process.

67. In our considered view, such a process strikes at the core of procedural fairness and transparency, which are essential constituents of Article 14 of our Constitution. In Ajay Hasia (supra), the Supreme Court cautioned that viva-voce, by its very nature, is susceptible to subjectivity, and excessive or exclusive reliance upon it opens the door to arbitrariness and favouritism. Though the said decision was concerned with admissions of students in academic institutions, the constitutional principle it articulates that state action must be structured, reasoned and non-arbitrary applies with equal force to public employment.

68. Similarly, this principle was echoed in Ashok Kumar Yadav (supra) whereby the Supreme Court cautioned that excessive reliance on interviews makes the process vulnerable to manipulation and compromises equality of opportunity.

69. The respondents relied upon Lila Dhar (supra) and Mandeep Singh (supra) to justify the validity of an interview-centric selection process. However, this reliance is legally misplaced. In Lila Dhar (supra), the Court did not authorise unconstrained viva-voce. On the contrary, it recognised permissible interview weightage only where structured evaluation and rational standards exist. Similarly, in Mandeep Singh (supra) the process was upheld because it was founded on clearly defined parameters,

structured evaluation and objective academic scoring, all of which are conspicuously absent in the present case.

70. The decision in Students Federation of India (supra) rendered by a Division Bench of this Court and thereafter affirmed by the Supreme Court in Jawaharlal Nehru University(supra), in paragraphs 29 and 30, distinguished between cases of admission in academic institutions as opposed to service appointments, while at the same time holding that even in service matters, excessive or exclusive reliance on viva-voce is constitutionally suspect in the absence of structured criteria and transparency. The Court observed that where no minimum qualifying marks or objective parameters are disclosed for the interview, the Selection Committee is effectively allowed to evolve its own hidden and undisclosed standards, which is impermissible in law since selection criteria must be fixed and declared at the inception of the process and cannot be left to unguided discretion. It further emphasised that lack of such structured norms often results in reserved category seats remaining unfilled, thereby defeating the very objective of reservation, and specifically observed that similar considerations apply to PWD, whose statutory reservations must be meaningfully implemented and not reduced to a mere formality through opaque and subjective procedures.

71. The principle is also well settled in A.P. Public Service Commission v. B. Sarat Chandra, wherein it was held that the determination of eligibility cannot be left uncertain or deferred to the final stages of selection, as such an approach introduces arbitrariness and violates the requirement of a transparent and fair recruitment process.

72. Therefore, this Court holds that while viva-voce/interview may form an important component of academic recruitment, a purely interview-based process, devoid of objective scaffolding, violates the doctrine of non-arbitrariness under Articles 14 and 16 of the Constitution of India. It creates an opaque zone of discretion inconsistent with constitutional governance.

73. In the present case, since the concerned post of Assistant Professor is admittedly an entry-level post, this Court finds substance in the contentions put forth by Ms. Swathi Sukumar, learned Senior Counsel appearing on behalf of the petitioners, predicated on the decisions laid down in Ajay Hasia (supra), Lila Dhar (supra) and Ashok Kumar Yadav (supra), that recruitment to an entry-level post cannot be made solely on the basis of viva-voce/interview.”

60. In the aforesaid backdrop, we now proceed to examine and analyse the marks obtained by the applicants during the pre-evaluation process, which comprised the GATE scores and MS inputs. Such analysis is undertaken by way of a comparative assessment with the candidates ultimately selected, juxtaposed against the marks awarded by the Interview

Board, which were based solely on oral interaction. The same is discussed hereinafter :-

OA 2394/2024, Major Manohar Mishra

61. In the case of OA No. 2394/2024 Major Manohar Mishra, it emerges from the record that the applicant, belonging to the Army Air Defence Corps (AAD), was shortlisted for the M.Tech course in Computer Science and Engineering at IIT Kanpur. Upon aggregation of the GATE score and the MS inputs, the applicant secured a total of 54.16 marks, whereas another candidate, *Major Kamal Kant Tripathi*, who was competing for the same vacancy, secured 43.8105 marks.

62. Despite the applicant having obtained a margin of more than 10 marks on the pre-evaluation parameters, he was not recommended for admission to the M.Tech course solely on account of the outcome of the interview. In our considered opinion, unless the marks awarded in the interview are quantified and disclosed, and the same are made known to the candidates in the interest of transparency, fairness, and justice, the selection process remains vulnerable to challenge before a court of law. The absence of disclosure of interview marks renders the process opaque and arbitrary. Accordingly, we have no hesitation in holding that the non-selection of the applicant is illegal, arbitrary, and ultra vires the governing policy and constitutional principles.

OA 2393/2024 Maj Gaurav Singh

63. The applicant, Maj Gaurav Singh, belonging to the Electrical and Mechanical Engineering Corps (EME), was considered against one vacancy in the stream of Robotics and Automation Systems (RAS) at IISc Bengaluru. In this process, he appeared before the Interview Board along with another candidate, namely Major Santosh Kumar, also from the EME Corps, both being in contention for the said solitary vacancy. The record reveals that upon aggregation of the GATE score and the MS inputs, the applicant secured a total of 46.0135 marks, whereas the competing candidate secured 40.1725 marks. Despite the applicant having obtained higher marks on the prescribed pre-evaluation criteria, he was not selected for the said vacancy, while the competing candidate was recommended for admission to the M.Tech course. Such an outcome, arrived at solely on the basis of the interview, notwithstanding the applicant's superior performance on the objective parameters, reinforces the infirmities noted hereinabove in the selection process.

OA 2395/2024 Maj Jagdeep U

64. In the case of Major Jagdeep U., the applicant in the present Original Application, the officer belongs to the Corps of Signals and was considered against three vacancies at IIT Delhi in the discipline of Communication Engineering. The record unequivocally reflects that, among all the candidates considered for the said vacancies, the applicant secured the

highest aggregate score of 46.776 marks, inclusive of the GATE score and the MS inputs. In our considered view, on the basis of the prescribed objective parameters, the applicant ought to have been recommended for admission to the M.Tech course in preference to other candidates. However, despite his superior merit position, the applicant was not selected solely on account of the outcome of the interview, in respect of which no quantified marks have been placed on record. The absence of disclosed and quantified interview marks further vitiates the selection process and lends support to the applicant's grievance of arbitrariness.

OA 2396/2024 Maj Vikas Verma

65. The applicant, Major Vikas Verma, was placed on the waiting list while competing for two vacancies allocated by IIT Kharagpur in the discipline of *Computer Science and Engineering*, which were sub-allocated to the Corps of Signals. Upon a careful perusal of the records, it is evident that the applicant stood first in the order of merit with 49.7355 marks amongst all the candidates considered for the said vacancies. In view of the above, we have no hesitation in holding that the applicant ought to have been recommended for admission to the said M.Tech course. If the Selection Board had found any adverse material against the applicant warranting his non-recommendation, the same ought to have been placed on record and brought to the notice of the Selection Board in a transparent manner. In the absence of any such material, we are of the considered

opinion that the applicant has been unjustly relegated to the waiting list without any cogent or recorded reasons, rendering his non-selection arbitrary.

OA No. 2397/2024 Major Mitender Yadav,

66. In OA No. 2397/2024 Major Mitender Yadav, the applicant was considered against one vacancy allocated to the Electrical and Mechanical Engineering Corps (EME) at IIT Kharagpur in the discipline of RF and Microwave Engineering. The other candidate considered for the said vacancy was *Major Puneet Choudhary*. The record reveals that the applicant secured a quantified aggregate score of **49.0875 marks**, inclusive of the GATE score and MS inputs, whereas the competing candidate secured **41.9115 marks**. Despite the applicant having obtained significantly higher marks on the prescribed objective parameters, he was not selected and was instead placed on the waiting list, while the competing candidate was recommended for the course. Once again, we find no material on record disclosing the marks awarded in the interview or any recorded reasons justifying the applicant's non-selection. The absence of such disclosure reinforces the arbitrariness permeating the selection process and vitiates the decision-making undertaken by the respondents.

OA 2385/2024 Maj Varun Singh

67. In the present Original Application, the applicant, Major Varun Singh, belonging to the Electrical and Mechanical Engineering Corps (EME), was considered against one vacancy at IIT Kharagpur in the discipline of *Quality and Reliability Engineering*. The other candidate in contention for the said vacancy was *Major Abhinav Sharma*, also from the EME Corps. The record reveals that the applicant secured an aggregate score of **41.305 marks**, inclusive of the GATE score and MS inputs, whereas the competing candidate secured **39.1125 marks**. Notwithstanding the applicant having obtained higher marks on the prescribed objective parameters, he was not recommended for admission to the said M.Tech course. No reasons whatsoever have been recorded on file to justify his non-selection. The absence of recorded reasons or disclosed interview marks further reinforces the arbitrariness in the selection process and renders the decision unsustainable in law.

OA 2392/2024 Lt Col Deepan Sudarshan G

68. In the present Original Application, the applicant, Lieutenant Colonel Deepan Sudarshan G, belonging to the Electrical and Mechanical Engineering Corps (EME), was considered against one vacancy at IIT Delhi in the discipline of Computer Science and Engineering. The competing candidate for the said vacancy was Major Vishal Dhanda. The record discloses that the applicant secured an aggregate score of **56.3175 marks**,

inclusive of the GATE score and MS inputs, whereas the competing candidate secured 40.204 marks. Despite the applicant having obtained a substantially higher score on the prescribed objective parameters, the competing candidate was recommended for admission to the M.Tech course, and the applicant was relegated to the waiting list. Such a result, arrived at without disclosure of the interview marks or any recorded reasons justifying the departure from the merit position, further exemplifies the arbitrariness inherent in the selection process and renders the decision unsustainable in law.

69. We have examined the records relating to the marks obtained by the applicants as well as the other candidates prior to the interview. On a comparative evaluation of the applicants vis-à-vis the candidates competing for the same vacancy, this Tribunal does not find any discernible or rational basis for the rejection of the applicants' candidature for undergoing the course. The respondents have failed to place on record any material to demonstrate the criteria or reasons adopted by the Interview Board while arriving at the selection.

70. It is further noted that the quantified scores of the candidates were not placed before the Interview Board prior to the conduct of the interview. Such omission, in our considered view, vitiates the decision-making process, as the Interview Board was deprived of relevant material necessary for an informed and objective assessment. The selection process,

therefore, suffers from arbitrariness, lack of transparency, and excessive subjectivity.

71. In the aforesaid circumstances, this Tribunal is of the considered opinion that the impugned selection process does not satisfy the test of fairness, reasonableness, and non-arbitrariness as mandated under Article 14 of the Constitution of India. Consequently, the selection process is liable to be interfered with and is hereby set aside.

72. The respondents are directed to take corrective measures to ensure that the future selection process is transparent and objective. The process of assessment by the Interview Board shall be duly quantified, and the marks obtained by the candidates in the GATE examination as well as the MS inputs shall be made available to the Interview Board to facilitate a reasoned and informed selection, with the Interview shall not constitute as a 'Sole Methodology' for selection of candidates.

73. As regards the relief to be granted in the present cases, this Tribunal is conscious of the fact that admission to ongoing M.Tech courses conducted by civilian institutions is governed by the GATE-based selection process and the course has already been complete substantially. Accordingly, no direction can be issued for grant of admission in the current academic session.

74. However, in order to balance equities and in the interest of justice, to ensure that the applicants are not prejudiced on account of the

unconstitutional selection process, and in view of the illegality vitiating the selection process and to ensure that the applicants are not rendered remediless, the respondents are directed to reserve one vacancy for each applicant for the concerned course under the service quota, in the next available batch for M.Tech Course. This reservation shall operate irrespective of the outcome of the further GATE Examinations, and selection of other candidates for such course.

75. The above exercise shall be completed expeditiously and preferably within a period of three months from the date of receipt of a certified copy of this order.

76. The aforesaid OA 2394/2024 and the batch matters are disposed of in terms of above directions.

77. No order as to costs.

78. Pending miscellaneous application, if any, stands disposed of.

Pronounced in the open Court on this 13th day of February, 2026.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

Akc