

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

OA 3924/2025

Maj Minakshi Dhabhai Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. S S Pandey, Advocate
For Respondents : Mr. Prabodh Kumar, Sr. CGSC

WITH

OA 3795/2025

Maj Sangeeta Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. S S Pandey, Advocate
For Respondents : Mr. Anil Gautam, 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 the Armed Forces Tribunal Act, 2007 hereinafter referred to as 'AFT Act, the applicants have filed this OA and the conjoint reliefs claimed in Para 8 reads as under:

(a) Call for the complete records in respect of the Applicant, including the letters vide which she has not been allowed to

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appear as a Priority IV candidate and thereafter quash such orders being illegal and malafide;

(b) Pass directions to the Respondents to allow her candidature as a Priority IV candidate to pursue post-graduation being eligible for the same;

(c) Impose heavy costs on the Respondents were causing undue harassment to the Applicant despite of no fault of hers and having completed all necessary formalities to pursue NEET PG-2025 Course in Priority-IV;

(d) Issue such other order/direction as may be necessary in facts and circumstances of the case.

2. As the question of law involved and the reliefs claimed are based on somewhat similar facts in both the matters, they are being disposed of by this common order.

3. The Armed Forces Medical Services (AFMS) is a tri-service organization consisting of medical services in the Army, Navy and Air Force with the Director General, Armed Forces Medical Services (DGAFMS) as the cadre controlling authority in respect of all AFMS officers. A serving AMC (Army Medical Corps) Officer is afforded opportunity to pursue post graduate medical course as an in-service candidate in terms of training rules issued by the competent authority from time to time.

4. The National Eligibility cum Entrance Test (NEET) for admission to PG Courses in Medical Institutes including the Armed

forces Medical Science PG Training Institute is conducted every year by the National Board for Examination in Medical sciences (NBEMS). The admission to the PG Course in the AFMS Institutes is undertaken in accordance with the policies laid down and the priorities stipulated in Government letter dated 06.03.2013 are detailed herein under:

2.1 Priority I- AFMS Officers detailed on Advance Specialist courses/PG Courses

2.2 Priority II- Foreign students sponsored by Government and AFMS officers granted Study Leave.

2.3 Priority III- Medical Officers sponsored by Para Military organisations and other GoI organisations.

2.4 Priority IV- Ex-SSC Officers of AFMS within 3 years of their release from service.

2.5 Priority V- Civilian candidates.

For the academic session 2025-28 permanent commissioned and short service commissioned officers of the Army Medical Corps (AMC) were permitted to apply for advanced post graduate courses i.e. MD, MS, DNB in the AFMS Institutes through NEET PG Exam 2025. This was in terms of the training and professional progression Rules for medical and non-technical officers of the Armed Forces Medical Services circulated vide Annexure R1 dated 19.09.2023 available in the record of OA No.3924 of 2025.

5. As per the Rules notified, applications for permission for advanced specialist/PG Course through NEET PG Examinations were invited from eligible PC and SSC Candidates vide notification dated 21.03.2025 (Annexure R2 in OA 3924/2025) In Para 11 of this notification, the following conditions have been stipulated:

“11. Offrs may apply (to the O/o DGAFMS/DG-1D and on the NBE/MCC web portal) under a particular priority only (i.e. as Priority-I or Priority-IV) and under no circumstances will applications/requests for change of priority be considered on or after the dt of NEET PG exam.”

The notification was circulated to all concerned offices and also uploaded on the web portal. The priority specific instructions were clearly stipulated in Para 12 of the said notification. For the sake of convenience, Para 12 of Annexure R2 is reproduced hereunder:

“12. Priority specific instructions:-

(a) Priority-I (In service) PC & SSC offrs.

- (i) Ascertain their own eligibility.***
- (ii) Fill and fwd the application as per the Appx ‘A’ (AFMS Offrs eligible as per Trg Rules 2023) or ‘Appx ‘B’ (AFMS Offrs availing one time waiver) to this letter mentioning their NEET PG Testing ID/application No. (if obtained on time). NEET PG Testing ID/application No may be left blank and the application fwd as such in case the same has not been obtained on time.***
- (iii) Fwd the hard copies of the applications, duly countersigned by the CO of the unit, to the***

respective DGsMS, so as to reach latest by 15 Apr 2025.

(b) AFMS SSC offr who have completed their initial contractual service, i.e., 07 yrs in r/o AFMC entry and 05 yrs for civil entry, one day prior to the NEET PG exam dt, presently scheduled to be held on 15 Jun 2025 and are desirous of appearing for NEET PG-2025 exam as Priority-IV and/or Civil candidates are required to:-

(i) Ascertain their own eligibility.

(ii) Fill and fwd the Appx 'C' to this letter along with their release applications through proper channel so as to reach respective Service HQs latest by 15 Apr 2025.

Note- Duly filled Appx 'C' to this letter is required to be countersigned by the CO only whereas the release application requires recommendation and countersignature of all offr in the channel.

(iii) Visit official website of this office www.afmcdg1d.gov.in for updates.

(iv) At the time of admission, produce documentary proof of them having attained Ex-SSC status, without which they will not be considered for admission.”

(Emphasis Supplied)

It was clearly notified that the details are already available on the website as indicated in Para 12(b)(iii). It is also stipulated in the Rules that Priority I Service PC and SSC Officers have to submit their applications as per Appendix A to the said letter and Appendix B was to be filled by Priority 1 PC/SSC Officers availing the one-time waiver granted to them vide letter dated 17.10.2023. That apart,

Priority IV candidates for admission to AFMS Institutes or civilian candidates in Government or Private Institutes were required to fill up the application in Appendix C to the said letter dated 21.03.2025. From the aforesaid, it is clear that Priority 1 candidates i.e. serving AFMS officers were required to fill up Appendix A or Appendix B as the case may be and those applying under Priority IV were to submit their candidature in Appendix C.

6. Facts available on record further indicate that the NEET PG Exam 2025 was initially scheduled to be held on 15.06.2025 vide NBEMS Notification dated 16.04.2025 which was subsequently rescheduled to be held on 03.08.2025 vide amended circular issued by NBEMS on 07.06.2025. Accordingly, the last date to submit applications for change of priority by any serving SSC officer was revised by the office of DGAFMS vide letter dated 21.07.2025, and it was clearly indicated that officers were permitted to submit their applications for change up to 01.08.2025. Apart from circulating the letter dated 21.07.2025, a further communication dated 28.04.2025 was circulated according to the respondents in the environment, specifically indicating that 01.08.2025 is the last date for submission of applications requesting change of priority by the SSC officers. All these documents are brought on record as Annexure R3, and it is indicated that they were also available in the official website i.e., www.afmcdg1d.gov.in.

7. Based on these factors we now proceed to analyze the facts of each case separately.

BRIEF FACTS OF THE CASE

Applicant No. 1

8. The applicant No. 1 MS-20107W Major Minakshi Dhabhai, was commissioned into the Army Medical Corps (AMC) on 15.02.2019 at Jaipur. Subsequent to completing her MBBS from NIMS Jaipur, she served at various military hospitals and is currently posted at 140 Armoured Ambulance Unit. Vide Notification dated 21.03.2025, the O/o DGAFMS/DG-1D invited applications from eligible PC/SSC officers for the NEET PG-2025 course. In accordance with the Training Rules, the applicant initially exercised her option and applied as a Priority-I (P-I) candidate on 15.04.2025.

9. It is a matter of record that Para 11 of the said notification stipulates that serving SSC officers must choose between Priority-I or Priority-IV status and that under no circumstances will applications or requests for change of priority be considered on or after the date of the NEET PG exam. Although the NEET PG exam was rescheduled to 03.08.2025 and the deadline for priority change was extended to 01.08.2025, the applicant's request for the change of Priority was forwarded to the O/o DGAFMS on 27.08.2025.

10. The respondents convened a Supplementary Board of Officers (BOO) on 04.09.2025 to consider 14 cases for change of priority. The Board approved the requests of three officers who had initiated their applications prior to the 01.08.2025 deadline. However, the applicant's request was rejected via Impugned Orders dated 09.09.2025 and 10.09.2025, as her request was initiated via email only on 28.08.2025, which the respondents qualify as being post-examination and post-deadline.

11. The counseling for 210 PG seats was carried out via Video Conferencing on 30.10.2025. It is noted that although the applicant was initially declared 'Ineligible' on 29.10.2025 due to an adverse remark in her ACR for 2023-24, her eligibility as a Priority-I candidate was restored via a revised list promulgated at 0040 hrs on 30.10.2025 after her 2024-25 ACR was processed. The applicant was unable to participate as she was deployed for an International Exercise (Mitra Shakti 11) at Belagavi (Karnataka). Records further indicate that the applicant secured an AFMS Merit rank of 301, while the final seat in the Priority-I category was allotted to Merit rank 232. Aggrieved by the Impugned Orders dated 09.09.2025, 10.09.2025, and 28.10.2025, the applicant has approached this Hon'ble Tribunal seeking a direction to the respondents to allow her to participate in the counseling as a Priority-IV candidate.

Applicant No. 2

12. The applicant no. 2, MS 19866K Maj. Sangeeta, was commissioned as a Short Service Officer into the Army Medical Corps (AMC) and is currently posted at 3 Technical Training Regiment (TTR). Similar to that of applicant no. 1's case, the applications for permission to apply for advance specialist / PG course in the AFMS institutes through NEET PG exam 2025 were invited from eligible officers by the Office of DGAFMS *vide* letter dated 21.03.2025. The said letter also stipulated different deadlines for filling up the form and requesting for change of priority, as well as the appendices to be filled for gaining consideration under a particular priority.

13. Due to rescheduling of the NEET PG examination 2025 date *vide* National Board of Examinations in Medical Sciences (NBEMS) circular dated 07.06.2025, the last date to submit applications for change of priority by serving SSC officers was also revised *vide* Office of DGAFMS letter dated 21.07.2025. As per this letter, officers were permitted to submit their applications up till 01.08.2025. The same was also reiterated *vide* another letter dated 24.07.2025.

14. The applicant submitted her application for permission to appear in NEET PG 2025 as a Priority I candidate in April 2025, and the same was received at the Office of DGAFMS on 13.05.2025. When a Board of Officers (BOO) was convened on 28.05.2025 to

scrutinize the same and prepare a list of eligible AFMS officers in Priority I for the PG admissions through NEET PG examination 2025, the applicant's name was reflected at Serial No. 591 of the list which was circulated by Office of DGAFMS *vide* letter bearing no. 38217/NEETPG-2025/DGAFMS/DG-1D dated 29.05.2025.

15. However, subsequently, the applicant had submitted another application on 30.05.2025 for permission to appear in NEET PG 2025 as a Priority IV candidate, and the same was received at the Office of DGAFMS on 05.06.2025. When a BOO was convened on 10.07.2025 to scrutinize the eligibility of serving SSC officers as Priority IV for the PG admissions through NEET PG examination 2025, the applicant was found to be ineligible for Priority IV *vide* letter dated 14.07.2025.

16. It is an undisputed fact that in her Email dated 15.07.2025, the applicant had intimated her request to be considered as Priority I candidate for NEET PG 2025. However, in her subsequent Email dated 19.08.2025, the applicant had requested for consideration of her candidature under Priority IV. While a supplementary BOO was convened on 04.09.2025 consequent to multiple representations for assessing the eligibility of candidates under Priority IV, no such application was considered which had been initiated after the stipulated date for change of priority. As such, the request made by the applicant was also not considered. The said recommendation of the BOO was duly approved by the competent authority, and the same

was promulgated *vide* letter dated 09.09.2025. While the applicant had subsequently sent petitions for reconsideration as Priority IV candidate, her requests were rejected. Being aggrieved by the aforesaid rejection / non-grant of permission to allow the applicant in appearing as Priority IV candidate, the applicant has filed this present OA before us.

B. SUBMISSIONS ON BEHALF OF THE APPLICANT

Applicant No. 1

17. It is the case of applicant that the applicant is a qualified candidate for NEET PG-2025 who initially applied as a Priority-I (P-I) candidate but now seeks to be considered under Priority-IV (P-IV) due to her impending release from service.

18. Elaborating on the factual matrix, it is submitted by the applicant that she was not in a position to know about the respondents' internal communications dated 22.07.2025 and 31.07.2025, which provided instructions allowing candidates to change their option before the exam, since during the issuance of these critical letters, the applicant was initially on sanctioned leave and was subsequently immediately deployed in an operational area (OP Sindoor) in the Jaisalmer sector. The applicant stresses that the "Doctrine of Constructive Notice" cannot be applied here as she was in a remote field location with restricted communication, and thus,

any delay in requesting a change of priority was due to these service exigencies, as the applicant was not officially communicated these instructions by her unit while deployed.

19. It is submitted by the applicant that the applicant's attempts to forward her application for P-IV status were met with administrative obstruction and a non-cooperative attitude by her Unit Authorities. The applicant places reliance on her DO letter dated 11.08.2025 addressed to the Additional DGMS (Army), to prove that her intent was expressed prior to the declaration of final results. Although the applicant had her application and release documents ready by 05.08.2025, the Officiating Commanding Officer and later, the permanent Commanding Officer refused to sign and forward her request. It is pointed out that her application was only forwarded on 27.08.2025 following the intervention from the office of DGAFMS, to establish that the applicant had acted with due diligence despite the hurdles at her unit level.

20. It is contended by the applicant that she was wrongly declared ineligible due to an adverse remark in her Annual Confidential Report (ACR), and although the CRD Cell later clarified that this was an error and restored her eligibility, the revised list was only promulgated at 0040 hrs on 30.10.2025, which was the very day of the scheduled counseling. At that time, the applicant was deployed

for an International Exercise (Mitra Shakti 11) at Belagavi (Karnataka), which made it impossible for her to participate in the counseling, and that this sequence of events effectively denied her the opportunity to appear in the PG course.

21. Placing reliance on the actual implementation of NEET-PG 2024, the applicant submits that the restriction in Point No. 6 of the instructions, which prohibits changing priority after the exam, has been applied with flexibility in the past. It was submitted that during the 2024 cycle, several officers were permitted to change to P-IV status as late as the 3rd round of counseling without submitting any formal withdrawal application, as evidenced by the respondents' letter dated 04.09.2024 and that denying the applicant similar consideration is discriminatory, arbitrary, and a clear violation of Article 14 of the Constitution of India.

22. It is argued by the applicant that the respondents' claim that the applicant could be granted a No Objection Certificate (NOC) as a civil candidate is false, frivolous, and malafide, as Para 12 of the governing instructions provides only two options, i.e. Priority-I or Priority-IV. It was further submitted that forcing the applicant to remain a Priority-I candidate while her release documents are pending creates a confusing situation, which effectively denies her any opportunity to appear in the PG exam, necessitating the

intervention of this Hon'ble Tribunal to prevent irreparable career loss.

Applicant No. 2

23. It is the case of the applicant that she had filed her application for Priority I on 26.03.2025; subsequently, however, the applicant had decided to not serve any further due to her familial commitments, and had submitted another application *vide* letter dated 10.04.2025 requesting for a No Objection Certificate (NOC) to apply for NEET PG examination 2025 and Civil Employment. In accordance with the policy, the applicant submits that she had submitted a subsequent application on 20.04.2025 opting for Priority-IV (Civil/Released) status.

24. It is elaborated by the applicant that an application dated 23.04.2025 enclosing the certificate of the applicant's Commanding Officer along with the applicant's Undertaking for consideration of one-time waiver for pursuing advance specialist/PG course in AFMS Institutions through NEET PG examination 2025 was forwarded to the IHQ of MoD (Army).

25. It is also the contention of the applicant that while she had applied under both Priority I as well as Priority IV, she had erroneously specified her request to be considered as Priority I candidate only on her Email dated 15.07.2025. The applicant submits that such a clerical error in an informal Email cannot

supersede formal applications sent through official channels. In this backdrop, it is highlighted that the letter dated 14.07.2025, *vide* which the applicant was found to be ineligible for Priority IV (as per the recommendations of the BOO), was received at the applicant's office only on 25.07.2025. As such, it is the case of the applicant that subsequently, a letter dated 28.07.2025 was forwarded to the Office of DGAFMS requesting for the grant of permission to allow the applicant in appearing for PG course as Priority IV candidate.

26. In the same vein, it is highlighted that an official NOC was issued by the Office of DGAFMS in favour of the applicant on 30.07.2025, wherein she was authorised to appear for NEET PG 2025 counselling as a 'civil' candidate. Hinging on this, the learned counsel for the applicant submits that the issuance of the NOC is an indication of the fact that all the necessary documents had duly been submitted by the applicant, and the same has been accepted by the competent authority. Thus, it constitutes "Official Recognition" and the Respondents are now barred by the Principle of Estoppel from reverting her status after she has acted upon that authorization.

27. It is highlighted by the learned counsel for the applicant that subsequently, however, the applicant's name was once again reflected under Priority I candidates in the last nominal roll issued *vide* Office of DGAFMS letter bearing no. 38217/NEET PG-2025/DGAFMS/DG-1D dated 09.09.2025. In this backdrop, it is

submitted that a letter dated 09.09.2025 addressed to the Office of DGAFMS was forwarded putting forth the request of the applicant to be reconsidered and included under Priority IV category for NEET PG 2025 counseling but the said request of the applicant was rejected by the respondents on the ground that no specific request was made for the withdrawal of applicant's candidature under Priority I category. The applicant strongly counters this by stating that the Respondents' own issuance of a Priority-IV NOC on 30.07.2025 and 06.08.2025 is a clear admission that they had already processed and accepted her transition to the Priority-IV category. Consequently, the Respondents' sudden insistence on a formal "withdrawal" on 09.09.2025, after the exam was already conducted, is an arbitrary and post-facto justification to deny her a seat, especially when no such mandatory withdrawal clause exists in the original Training Rules dated 19.09.2023 or the notification dated 21.03.2025.

28. Building on the same, it is the contention of the applicant that the application for grant of permission to appear for PG Course in AFMS institution through NEET PG exam 2025 was invited on the basis of the training rules mentioned above, and the same does not contain any such restriction / stipulation. As such, the Respondents *vide* Para 11 of the notification dated 21.03.2025 has arbitrarily introduced a condition requiring candidates to choose their category prior to the exam. This condition lacks logical nexus to the objective

of the policy, which is to allow meritorious candidates to enhance their professional qualifications. Furthermore, in the identical policy framework for NEET PG 2024, the Respondents permitted candidates to switch from Priority I to Priority IV even after participating in Priority I counseling; thus, the sudden rigidity in the current year is discriminatory and inconsistent.

29. On factual elaboration, it is submitted by the applicant that the Respondents have repeatedly deviated from their own “pre-exam” deadline this year. *Vide* letters dated 26.11.2025, 02.12.2025, 12.12.2025, 15.01.2026 and 21.01.2026, several candidates were permitted to switch to Priority IV long after Priority I counselling and even two rounds of Priority IV counselling had concluded; and that the Respondents have attempted to justify these inclusions on the pretext that applications given in April were "physically received" in October 2025. The applicant categorically dismisses this as technically improbable, as these options are transmitted via the ASIGMA system, which is instantaneous. As such, the applicant emphasizes that a four-month delay in digital transmission is a factual impossibility used by the respondents merely to mask selective favoritism.

30. Applicant stresses that another application dated 28.07.2025 requesting for change of counselling from Priority I category to Priority IV category, preferred by one of the applicant’s batchmates,

was duly considered by the respondents. As such, it is the submission of the applicant that similar flexibility must also be extended to the applicant in the instant case.

31. Elaborating on the same, it is highlighted that following the reduction of cut-off marks for PG, the Respondents permitted several candidates to switch to Priority IV as late as October 2025 to ensure seats did not go unutilized. A glaring instance of this disparity is the case of Maj Sweety Rani, who obtained nearly 100 marks less than the applicant (267 vs. 370+) and was a Priority I candidate until October 2025. She was permitted to participate as a Priority IV candidate on 21.01.2026 and was allotted a seat; whereas the applicant, despite her superior merit and earlier application, was excluded. This proves that the "pre-exam" condition held no sanctity for the Respondents when they chose to waive it for others.

32. Moreover, it is also stressed by the learned counsel for the applicant that since the applicant's release application has been processed and accepted by the respondents, the non-grant of permission to appear in the NEET PG 2025 counselling as Priority IV candidate would derail the applicant's future career prospects.

33. Overall, it is the case of the applicant that she had time and again requested for a consideration as a Priority IV candidate, and had submitted all the requisite documents to that effect; as such, her actions clearly show her willingness to appear as Priority IV

candidate. Moreover, the respondents' policy or the letter dated 21.03.2025 does not specify the sending of an explicit withdrawal application as a mandatory requirement / condition precedent and it is the grievance of the applicant that even after duly complying with the procedure, the respondents have yet not issued any instructions to allow the applicant in appearing for the counselling as Priority IV candidate, but have rather continued to harass her and obstruct her professional growth, and hence, this OA.

C. SUBMISSIONS ON BEHALF OF THE RESPONDENTS

Applicant No. 1

34. *Per contra*, the respondents submit that the admission to Post Graduate courses in AFMS teaching institutes is a structured process governed by the Training Rules of 19.09.2023 and the specific Notification dated 21.03.2025 issued by the O/o DGAFMS. It is submitted that as per Para 11 of the said notification, serving SSC officers are required to apply under a particular priority only, either as Priority-I (Serving AFMS officers) or Priority-IV (Ex-SSC officers), and the policy explicitly stipulates that under no circumstances will applications or requests for change of priority be considered on or after the date of the NEET PG exam. The Respondents contend that this notification constitutes a "Self-Contained Code" and the "Rules of the Game" cannot be changed once the process has commenced.

35. It is the case of respondents that since the applicant No. 1 Major Minakshi Dhabhai, voluntarily exercised her option to apply as a Priority-I candidate on 15.04.2025, she was bound by the cut-off dates established by the cadre controlling authority. Following the rescheduling of the examination, the deadline for change of priority was specifically extended to 01.08.2025 vide DGAFMS letter dated 21.07.2025. The applicant failed to initiate any request by the said date, and that her request was only initiated via email on 28.08.2025, which was well after the NEET PG exam conducted on 03.08.2025, thereby making her request legally untenable under the extant policy.

36. It is submitted by the Respondents that the Applicant No. 1 cannot claim any prejudice regarding her participation in the counseling process, and that initial declaration of the applicant as ineligible on 29.10.2025 was due to an adverse remark in the Annual Confidential Report (ACR) for the period 2023-24. However, as soon as the CRD Cell clarified that the applicant's subsequent ACR was clear, a revised list was promulgated at 0040 hrs on 30.10.2025 declaring her eligible as a Priority-I candidate.

37. It is contended by the Respondents that the applicant's AFMS Merit was 301, whereas the last seat in the Priority-I category was allotted to AFMS Merit No. 232; thus, even if the applicant No. 1 had

attended the counseling, she would not have secured a seat based on her merit rank. The Respondents emphasize that "Legal Injury" can only be claimed if the applicant was within the zone of selection, which she was not. The learned counsel for the respondents relied on the position that the applicant No. 1 does not have a vested right to pursue a PG course, and that such opportunities are accorded strictly as per the extant policy and as per the requirement of service as determined by the cadre controlling authority.

38. It is emphasized by the respondents that they had already protected the applicant's interests by issuing a No Objection Certificate (NOC) on 23.09.2025 to allow her to appear as a "civil candidate" under the All India/State Quota in terms of AO 27/87. This NOC, however, does not grant her any right to Priority-IV seats within the AFMS institutes, which have separate eligibility criteria and service liabilities, and instead it is clarified as Priority V candidate.

39. Respondents further relied on the proceedings of the Supplementary Board of Officers (BOO) held on 04.09.2025, wherein the Board examined several requests for change of priority and only approved those candidates who had initiated their applications through proper channels prior to the 01.08.2025 deadline. Since the applicant only initiated her request on

28.08.2025, it was argued that she was not similarly situated to those granted relief, and granting her request post-facto would cause "Gross Prejudice" to other eligible Priority-IV candidates. Hence, it is the respondents' submission that the present Original Application is devoid of merit and liable to be dismissed.

Applicant No. 2

40. With respect to applicant no. 2, it is submitted by the respondents that although the applicant has initially forwarded documents pertaining to both Priority I and Priority IV categories, she herself has made a final and unequivocal election to be considered exclusively under Priority I *vide* her email dated 15.07.2025. As such, it is the case of the respondents that they had acted upon the applicant no. 2's voluntary/conscious choice expressed in her aforesaid email, and had retained her candidature in the Priority I list after finding her eligible under the said category. Thus, it is submitted that after having exercised such an option knowingly and without any coercion, the applicant no. 2 cannot be permitted to resile from the same after the declaration of results; as engaging in such a conduct would be contrary to settled principles governing selection processes and the Doctrine of Election.

41. With respect to the request for change of priority by the candidates, the learned counsel for the respondents state that the

opportunity for seeking a change of priority was strictly available up to the extended cut-off date of 01.08.2025. Highlighting the applicant no. 2's conduct, the learned counsel for the respondents submit that the applicant no. 2 not only failed to submit any request for modification of her priority within the stipulated timeframe, but had sent a communication seeking consideration under Priority-IV only on 19.08.2025 at 20:52 hours which was much beyond the prescribed deadline, and was even subsequent to the declaration of the NEET PG examination 2025 results. Such a belated request is clearly barred by the express terms of the governing policy, especially Para 11 of the notification dated 21.03.2025.

42. Hinging on this administrative requirement, the learned counsel for the respondents submit that restriction on post-result change of priority is not a mere technicality but a substantive administrative safeguard, which is intended to prevent cadre imbalance and undue attrition of SSC officers. The learned counsel for the respondents further assert that the BOO applied the policy uniformly and consistently, and all similarly placed requests made after the examination/cut-off date were rejected without any discrimination.

43. In this backdrop, it is contended by the learned counsel for the respondents that the letter dated 28.07.2025 bearing no. 3TTR/218/01/NS, which has been relied upon by the applicant to

claim her request for change of priority, is false and misleading. In the said letter, the applicant had merely forwarded copies of her unit letter dated 23.04.2025 as well as letter dated 04.05.2025 along with copies of appendices B and C (i.e. forms for Priority I and Priority IV); and the same does not indicate whether the applicant wishes to be considered in Priority I or Priority IV category.

44. Responding to the claim of the applicant vis-à-vis grant of NOC, the learned counsel for the respondents submit that the NOC is not a permission to appear as a Priority IV candidate. Furthermore, it is elaborated by the learned counsel for the respondents that the NOC issued by the Office of DGAFMS dated 30.07.2025 and the DGMS (Army) letter dated 06.08.2025 bearing no. 66782/Civ Emp/2025/DGMS-1A clearly state that the candidate was granted permission to appear as “Civil Candidate in NEET PG-2025” which is classified as category V.

45. Building on the same and rebutting the applicant’s claim of harming her future prospects, the learned counsel for the respondents submit that the NOC grants permission to appear in MCC counselling for seats in medical colleges and the release of an officer is subject to him/her securing a seat as per the merit-cum-choice or on securing civil employment. As such, the in-service SSC officers who have been permitted under Priority IV are released from service only after securing and selecting a seat as per their merit-

cum-choice through MCC counselling in AFMS PG institutes. Thus, the learned counsel highlights that the applicant's averment, vis-à-vis she being forced to proceed on release next year, is misleading.

46. It is further highlighted that even after release from SSC service, the Ex-SSC officers continue to be considered as Priority IV candidates for admission in AFMS PG institutes up to three years from their release date.

47. It is contended that the applicant no. 2 was found eligible under Priority-I, her merit rank of 263 fell below the total number of available seats (which stood at 210); as such, her non-participation in Priority-I counselling was a voluntary act and cannot be leveraged to claim consideration under another category, i.e. Priority-IV in this case, by bypassing the prescribed rules of the selection process.

48. It is further argued that subsequent to the letter dated 09.09.2025, a few other representations (including that of the applicant) were also received at the Office of DGAFMS requesting for change of priority. As such, a supplementary BOO was again held on 17.09.2025 to assess the eligibility of said requests. However, this BOO found the applicant eligible for Priority I rather than for Priority IV.

49. It is contended by the respondents that the applicant's claim of her eligibility for Priority-IV based upon the NOC issued to her is without merit, since the policy with respect to the issue of NOC dated

05.12.2016 produced by the applicant in this regard has been superseded by O/o DGAFMS letter No 23056/DGAFMS/DG-1B(ii) dated 01.04.2025. It is highlighted that a perusal of the policy letter dated 01.04.2025 and the NOC issued to the applicant clearly reveals that the NOC issued to the candidate was to appear in NEET PG 2025 exam/counselling as a 'Civil Candidate', i.e. for All India Quota or State Quota Seats in terms of AO 27/87. This NOC has no relevance to the internal Priority-IV seats of the AFMS, which are governed by separate eligibility criteria and service liabilities. Therefore, the issuance of the NOC does not constitute an admission of her eligibility for Priority-IV within the AFMS framework.

50. Responding to the applicant's reliance on the policies from previous years, the learned counsel for the respondents submit that the practice of the year 2024, in which certain officers were permitted to change priority after the exam and declaration of result, had resulted in unforeseen attrition of SSC officers – leading to imbalance in the cadre, and subsequently impacting the delivery of medical care by the AFMS.

51. It is submitted that based on the challenges faced in 2024, separate application forms for Priority 1 and in-service candidates applying for Priority IV was specified in the revised policy issued *vide* notification dated 21.03.2025. In the said policy, it was clearly stipulated at Para 11 that the serving SSC officers could apply under

a particular priority only, i.e. as Priority-I or Priority-IV as per their eligibility, and under no circumstances will applications/ requests for change of priority would be considered on or after the date of NEET PG exam. It is highlighted that there is no challenge to Para 11 of the notification dated 21.03.2025 in the present OA, and that the respondents have applied the policy equally to all the candidates without any discrimination or bias. Hence, the applicant is not entitled for relief from the Hon'ble Tribunal.

52. Moreover, it is highlighted that the policy with respect to issue of NOC was also revised as brought out above, and that a perusal of notice inviting applications for previous PG session (2024-2027) dated 03.11.2023 would clearly reveal that there was no provision for application for Priority IV in respect of in-service SSC officers, as also there was no provision para-materia to Para 11 of the notification dated 21.03.2025.

53. With respect to common contentions against both the applicants, it is further submitted by the respondents that any direction for inclusion of the applicant who is a serving SSC officer in the list of candidates eligible for Priority IV would adversely impact the eligible Priority IV candidates who have not been made party to the petition and their candidature would suffer in case of change of priority of the applicants beyond the stipulated date of cut off.

54. In this backdrop, it is vehemently argued by the learned counsel for the respondents that the reference drawn (during the hearing of the both the applicants' case) to the candidature in Priority IV of Maj Sweety Rani, an Ex-SSC officer of AMC, is misconceived – since Maj Sweety Rani as a serving SSC officer had applied for PG as a Priority-I candidate and the officer subsequently applied for release from SSC service on extreme compassionate grounds on 24.08.2025 which was duly approved by the competent authority on 03.10.2025. Accordingly, Maj Sweety Rani proceeded on release on 03.12.2025 and was struck of strength from the Corps on 01.01.2026 (FN).

55. It is further argued that the National Board of Examinations in Medical Sciences (NBEMS) reduced the qualifying percentile for NEET PG-2025 counselling *vide* their web notice dated 13.01.2026. Consequently, the O/o DGAFMS, *vide* web notice dated 15.01.2026, invited score cards, admit cards and release orders from Ex-SSC AFMS officers for consideration in Priority-IV category. In response, Maj Sweety Rani, Ex-SSC Officer, *vide* e-mail dated 15.01.2026 applied for consideration as Priority-IV category and forwarded her score card, admit card and release order.

56. Thus, it is submitted by the respondents that in view of the above, the eligibility of Maj Sweety Rani for Priority IV was correctly determined on 20.01.2026 – she being an Ex-SSC officer within 3

years of release from service, and thus, fully eligible for Priority IV on the date of consideration. In contrast to this, the applicant continues to be a serving SSC officer with all rights and privileges of an officer and cannot draw equivalence with officers who have already proceeded on release.

57. In rebuttal to the submissions and averments made by the respondents, the applicant No. 1 emphasized that the respondents failed to address the grievance of the applicant with regard to the specific issue concerning the factual matrix and that they ignored the reality of the applicant's field deployment in certain joint exercise at Belgavi (Karnataka) during critical periods where access to routine military communication was restricted. That apart it was emphasized that the so-called rule for the NEET PG 2025 examination is inconsistent with the past conduct of the respondents, wherein in the NEET PG 2024 cycle the respondents applied the same rule providing flexibility allowing priority changes even up to the third round of counseling. Seeking parity with candidates who were permitted a change in the year 2024, a challenge is made to the administrative inconsistency and the rigid approach adopted in the year 2025-2028 which, according to both the applicants is detrimental to the officers particularly those who are posted in operational areas. That apart, as far as Applicant No. 1 is concerned, it is stated that the clerical error corrected for making her eligible

for seeking a seat in Priority 1 was notified very late in the early morning hours i.e. 00.40 hrs. on 30.10.2025, which was the date of the counseling itself and this had made it impossible for the applicant to participate in the counseling for Priority 1.

58. As far as Applicant No. 2 is concerned, the counsel emphasized the communications forwarded on 28.07.2025 and argued about certain acts of the respondents which amounted to fabrication and were made to mislead the Court and to justify their unlawful activities. As far as the Email dated 15.07.2025 is concerned, it was argued by the learned counsel for the applicant that the change of priority through this email was a result of auto-correction and technical error. It is also pointed out that the respondents did not acknowledge the same till 28.07.2025, when the applicant had forwarded various documents and requests to the respondents. It is the contention of the applicants that she continued to receive letters pertaining to her entitlement to seek a seat in Priority IV on various dates like 29.04.2025, 14.07.2025 and 21.07.2025 and therefore she is entitled to seek change of priority.

59. Further arguments were advanced with regard to issuance of NOC dated 31.07.2025 and 06.08.2025 to appear as civil candidates. It was highlighted that the heading of the NOC mentioning eligibility as Priority IV candidates creates an artificial distinction and is only to mislead the Court. Learned counsel tried to

take us through various aspects of the matter to say that the applicant has been dealt with in an unfair manner and merely based on the email submitted by her on 15.07.2025 the respondents are trying to deny the rightful claim of the applicants. Learned counsel further emphasized and contended that even if the Email dated 15.07.2025 was considered to be an act indicating opting for Priority I, the letter dated 28.07.2025 constitutes a valid and timely exercise of the right to change her option before the cut-off date.

CONSIDERATION

60. We have heard Ld. Counsels for both the parties at length, and have perused the material placed on record, including relevant policy letters, communications, order of merit etc. On a perusal of records, and the contentions addressed on behalf of parties, we find that while the relief prayed for by the applicants are more or less the same, though the factual matrix from the perspective of applicants differs only to the extent that the applicant No. 1 could not apply for change of priority, whereas applicant no. 2 wrongly chose the priority I. However in both cases their request for change were not accepted, on the ground that, in both the cases, the option for change of priority was exercised only after due date, i.e., much after 01.08.2025. In this background, we now proceed to examine the case.

61. Having taken note of the submissions made by learned counsel for the parties, the first and foremost issue which warrants consideration is with regard to a common argument advanced by both the applicants to say that the stipulation contained in para 11 of the notification dated 21.03.2025 was not applicable for the examination conducted for the year 2024 wherein flexibility and change were permitted in the year 2024, then, why, such a rigid and non-flexible policy was adopted in the current session, i.e. the NEETPG 2025 examination. It was the case of the applicants that this is nothing but an arbitrary and unreasonable attitude on the part of the authorities concerned. However, the respondents have explained that the process of admission to Post Graduate courses in AFMS is a structured process governed by the General Training Rules of 19.09.2023 with specific procedures laid down by the office of DGAFMS, the competent authority and for the NEET PG Examination 2025, while issuing the notification on 21.03.2025, para 11 with regard to the requirement of SSC officers applying under a particular category only, i.e. Priority 1 for serving AFMS officers and Priority IV for ex-SSC officers, was a policy which was incorporated in this year's scheme of examination as in the past it was found that the flexibility and permitting change of policy at a later stage created various administrative and practical issues which were not proper, and therefore, a conscious decision was taken to incorporate para 11

in the policy for the 2025 examination. Therefore, it is the contention of the respondents that this being an administrative and policy decision, is not violative of any statutory rules/regulations or that the provisions of Article 14 cannot be invoked merely because it causes inconvenience to the applicants. They point out that all the candidates were given equal playing field and the stipulation contained in para 11 permitting change before a cut-off date is a reasonable decision and cannot be faulted with.

62. In our considered view, the stipulation contained in para 11 is an administrative policy decision taken by the respondents in the backdrop of various administrative and practical considerations, and in the absence of any material available on record to show that it is unreasonable, arbitrary or unsustainable in law, we see no reason to interfere into the matter. In fact, comparison by the applicants with regard to the process followed in the year 2024 cannot be a ground for interfering as far as this issue is concerned, for the simple reason that well before submitting their applications on 21.03.2025, the applicants were made well aware of the procedure prescribed for conduct of the 2025 examination and the stipulation contained in para 11 was very well known to both the applicants and they have submitted their applications, to participate in the process of selection knowing fully well the rules for the conduct of the examination. Therefore, they cannot now after participating in the selection/

examination process as per the Rules (without any objection) turn around and say that the rule is unreasonable merely because they did not succeed in getting a seat. That being so, the first contention of both the applicants that incorporation of para 11 in the notification dated 21.03.2025 which was not there for the examination of 2024 is arbitrary or unreasonable, in our considered view, is not at all a valid argument or submission and we have no hesitation in rejecting it.

63. Now we propose to analyze the case of Applicant No. 1, Maj. Meenakshi Dhabbai, who while submitting her candidature on 15.04.2025, opted for and applied as a Priority I candidate. The stipulation contained in Para 11 of the notification dated 21.03.2025 was binding upon her and records do indicate that after rescheduling of the examination, the deadline for change of priority was extended by letter dated 21.07.2025 to 01.08.2025. Admittedly, the applicant failed to take any action for change of request on or before 01.08.2025; on the contrary, records indicate that she initiated the said request for change only on 28.08.2025 by her Email. This was much after the cut-off date stipulated and even after conduct of the NEET PG examination on 03.08.2025. This made her request unsustainable on account of breach of Para 11 of the notification dated 21.03.2025.

64. As far as the contention of this applicant to say that she could appear as a civil candidate based on the NOC granted is also not tenable in law and on facts, for the reason that NOC grants permission to appear in MCC Counseling for seats in Government/Private Medical Colleges and the release of an officer is subject to securing a seat as per her merit-cum-choice or on seeking civil employment. It is seen from the records that in-service SSC candidates are granted permission as civil candidates in the NEET PG 2025 examination who are released from service upon securing/selecting a seat as per their merit and choice through MCC counseling. The applicant had submitted her application for Priority I which was accepted by the respondents and there is nothing to show that she wanted to appear as a civil candidate. As far as the contention of the applicant that she was posted in an area where she was not in communication with the office and was unaware of the communication made fixing the date for change of priority, in our considered view, it is nothing but an afterthought. The records indicate that based on the notification issued on 21.03.2025, when the applicant submitted her application and when she sought change of priority, her case was considered by the Board of Officers, where they found her ineligible for grant of Priority IV and the same was promulgated on 09.09.2025. All factors, even with regard to reasons

which prevented her to request for change as pointed out, were considered by the Board of Officers.

65. That apart, we find that all details and particulars with regard to the examination, the communications made and information with regard to the examination as notified from time to time by the office of DGAFMS/DG-ID is maintained on an official website i.e. afmcdg1d.gov.in, wherein there is a section titled “Information Bulletin for PG Course in the AFMC Institute through NEET PG”. It is also seen from the records that various web notices pertaining to timelines, submission of documents, etc. are notified and circulated in the website. That being so, the contention of the applicant that on account of her posting she was not aware of the change is something which cannot be accepted and which seems to be an afterthought. That apart, judicial notice can be taken of the fact that communication between various members who form a common group and were participating in such examination is common these days and information flows through various means through the modern system of communication through web portals, social media, etc. and it is not proper to say that in this age of technological advancements a candidate has to depend only on the official, physical communication made to receive information about any change. As such, the contention of the applicant that she was not

aware of the change because of her posting in a particular field area, in our considered view, is not acceptable.

66. The records indicate that Applicant No. 1 had participated in the examination fully aware of various policies and rules governing conduct of the examination and she did not forward her application in time for change of priority from Priority I to Priority IV. However, in para 21 of the counter affidavit filed by the respondents, it is indicated that the applicant is free to participate in the MCC counseling as a “civil candidate” since she has completed her initial contractual SSC tenure as per the NOC already granted to her. The respondents point out in para 22 of their counter affidavit that the NOC for appearing in NEET PG 2025 as a civil candidate is based on the release application forwarded by an in-service SSC officers (Applicant No. 1) who had completed their initial contract service period. It is emphasized that NOC is not permission for appearing under Priority IV candidature. The applicant was granted permission to appear as a civil candidate which is Priority V permitting her to appear in MCC Counseling for seats in Government/Private Medical Colleges and release is subject to her securing a seat as per merit-cum-choice.

67. Finally, one of the arguments advanced by Applicant No. 1 was to the effect that the change of her right to appear as a candidate

for which counselling was held via video conferencing on 30.10.2025 and her contention that change of her CR criteria was intimated to her very late, is concerned, it is the case of the respondents that initially the applicant was found ineligible due to adverse remarks in the Annual Confidential Reports (ACRs) for the years 2022, 2023 and 2024 in accordance with Para 8(b) of the Training Rules dated 19.09.2023 and she was placed at Sl. No. 3 in Appendix B of the letter Annexure R8 dated 29.10.2025. However, there was some error, and on 29.10.2025, the CRD Cell of the office of DGAFMS intimated that this was not correct. Accordingly, the list of revised eligible candidates was again promulgated vide Annexure R9 on 29.10.2025 and the applicant was placed at Sl. No. 301 as per the merit list. From the records and the assertions made by the respondents in this regard, it is seen that the applicant's AFMC merit for grant of Priority I category seat as per Annexure R9 was at Sl. No. 301 in Appendix A and the last candidate in this category i.e. AFMC merit who has been allotted a seat under Priority I, was at Sl. No. 232. That being so, even if the applicant had attended the counselling, she would not have secured a seat based on her merit rank in this category, and therefore, it is seen that correction in her CR dossier and inclusion of her name in the priority list Annexure R9 dated 29.10.2025 cannot be a ground to say that for want of

information the applicant could not appear in the counseling to secure a seat and the same is also found to be unsustainable in law.

68. As far as the legal principle governing change of priority is concerned, the same has been subjected to consideration by the Hon'ble Supreme Court in accordance with the "doctrine of approbate and reprobate", and in the case of Union of India and others v. Manju Arora and others (2022) 2 SCC 151, the doctrine of approbate and reprobate has been considered in detail. In para 19 of the said judgment, the following principles are laid down:

"In the above circumstances, we find merit in the submissions made on behalf of the appellants. Consequently, it is declared that the employees who have refused the offer of regular promotion are disentitled to the financial upgradation benefits envisaged under the OM dated 9-8-1999. In this situation, the Scottish doctrine of "approbate and reprobate" springs to mind. The English equivalent of the doctrine was explained in Lissenden v. C.A.V. Bosch Ltd. wherein Lord Atkin observed at: (AC p. 429)

"... In cases where the doctrine does not apply the person concerned has the choice of two rights, either of which he is at liberty to adopt, but not both. Where the doctrine does apply, if the person to whom the choice belongs irrevocably and with knowledge adopts the one he cannot afterwards assert the other."

The above doctrine is attracted to the circumstances in this case. The employees concerned cannot therefore be allowed to simultaneously approbate and reprobate, or to put it colloquially, "eat their cake and have it too/" It is declared accordingly for the respondents in CAs Nos. 7027-28 of 2009."

In the case of the applicant, in the matter of change of priority, the said doctrine is attracted and therefore once the applicant had opted in a particular category as her priority, she cannot be permitted to switch over and change her priority on the grounds canvassed in this application. Accordingly, with regard to the applicant in OA No. 3924/2025, Maj Minakshi Dhabhai, we see no case made out for interference by this Tribunal.

Applicant No. 2

69. As far as Applicant No. 2, Maj Sangeeta in OA No. 3795/2025 is concerned, her first argument with regard to the act of the respondents in permitting change of priority in the NEET 2024 examination and prohibiting the same by incorporating para 11 in the notification dated 21.03.2025, is concerned the same has already been discussed while considering the case of Applicant No. 1 Maj Minakshi Dhabhai in OA No. 3924/2025, and for the same reasons, we find that this contention of Applicant is not acceptable. That apart, with regard to the change in the schedule of the examination which was subsequently changed vide NBEMS circular dated 07.06.2025, it is clear that the last date for submission of the application was 01.08.2025. It is the contention of the respondents that this applicant initially forwarded documents pertaining to both

Priority I and Priority IV categories but, vide her email dated 15.07.2025, specifically indicated that her case be exclusively considered under Priority I. Therefore, it is the case of the respondents that this applicant was considered under Priority 1 and records indicate that initially this applicant submitted her application vide Annexure R4 in April 2025 seeking permission to appear as a Priority 1 candidate and the same was received in the office of DGAFMS on 13.05.2025. As per the document submitted, the applicant had filled up Annexure B, i.e., an application for Priority I.

70. The Board of Officers was convened on 28.05.2025 to scrutinise the applications and prepared the list of AFMS Officers in the Priority I category. The list of eligible candidates/officers was circulated vide Annexure R5 on 29.05.2025 and the name of the applicant is reflected at Sl. No. 591 of Appendix A to this letter. Subsequently, vide Annexure R6, the applicant submitted another application dated 30.05.2025 for permission to appear in NEET PG 2025 as a Priority IV candidate, filling up Appendix C. This was received in the office of DGAFMS on 05.06.2025. On receipt of this second application, the Board of Officers was again convened on 10.07.2025 for assessing the eligibility of serving officers and in this, the applicant was not found eligible for Priority IV as per rule. The applicant tried to argue that the reasons for the same have not

been explained, and thereafter, records indicate that the applicant submitted a Email on 15.07.2025. After submission of the Email on 15.07.2025, the Board of Officers was again convened on 31.07.2025 and on 31.07.2025, eight applications of AFMS SSC officers for consideration as Priority IV candidates were placed before the Committee. However, as the applicant, on 15.07.2025, vide her Email, had specifically requested that her case be considered as a Priority I candidate, it is the contention of the respondents that her case was not considered for priority IV. Thereafter, vide Annexure R9 on 19.08.2025, the applicant again submitted for consideration of her case under Priority IV, even though this was after 01.08.2025. However, finding multiple representations, a supplementary Board of Officers to assess eligible candidates for Priority IV was held on 04.09.2025, wherein 14 applications for change of priority from Priority I to Priority IV were considered. In the case of three candidates, the change was accepted since the applications from these officers were initiated much before 01.08.2025 but on account of administrative reasons, were received late in the office of DGAFMS. In the case of the applicant and other candidates, as the change requested was after 01.08.2025, it was rejected. The specific case of the respondents is that the applicant was not found eligible for Priority IV as she had never submitted any communication regarding her consideration for Priority IV within

the stipulated date and particularly when on 15.07.2025, through her Email, she had submitted for retaining herself in Priority I, the Board of Officers did not consider her request for change.

71. The respondents placed heavy reliance on the email dated 15.07.2025 submitted by the applicant to emphasise that she had specifically requested to be considered in Priority I, whereas the applicant refers to Annexure R10 letter dated 28.07.2025 to emphasise that the email was an act of error committed by her as a result of auto-correction and technical error. The counsel for the applicant heavily relied upon the communication dated 28.07.2025 (Annexure R10) and its acknowledgment by the respondents to contend that in this communication the applicant had sought a change to Priority IV and that ignoring the same, the act of the respondents in insisting upon acting on the basis of the email is, according to the counsel for the applicant, arbitrary and unreasonable. However, taking us through the communication Annexure R10 available on record and the enclosures sent therewith, it was argued by the respondents that this is a letter sent by a JCO and that in this letter only certain communications made by the applicant have been forwarded. The records indicate that vide Annexure R10 dated 28.07.2025, on behalf of the applicant, the office had forwarded copies of her unit letter dated 23.04.2025 and letter dated 04.05.2025 along with copies of duly filled Annexure B

OA 3924/2025 with OA 3795/2025

and Annexure C in terms of letter dated 21.03.2025, i.e. both for Priority I and Priority IV and nothing more.

72. We have gone through the document Annexure R10 dated 28.07.2025. In this letter, there is no specific indication to show that the applicant wanted to be considered in Priority IV. The issue is as to what is the effect of the Email forwarded by the applicant and how the explanation of the applicant that the submissions or the indications made in the Email were on account of auto-correction error, etc. is to be treated. The Email is available on record as Annexure R9, which clearly indicates that the applicant had specifically prayed that her case be considered only in Priority I and nothing more. The question is whether this contention of the applicant—that the email was sent by mistake and that the priority indicated therein was on account of auto-correction, etc.—can be accepted or not.

73. Sending of the email by the applicant is admitted. If, after sending the email, the applicant found that on account of auto-correction, etc., there was some mistake in the email, she should have immediately corrected the same. However, the applicant chose to keep quiet and permitted the respondents to proceed with the matter treating the email dated 15.07.2025 as her final choice of priority category for the examination in question. In the absence of

there being any mala fide or allegations of bias against any individual officer, we are unable to accept this contention of the applicant.

74. As far as the explanations given with regard to the communication made on 28.07.2025 vide Annexure R10 and indicating change to Priority IV are concerned, this also does not prove the case of the applicant, inasmuch as this communication is only by a JCO forwarding certain earlier communications of the applicant. There is nothing specifically mentioned in this letter to show that in this communication made on 28.07.2025 through the office is for the purpose of treating her as a candidate in Priority IV. This document only refers to a unit letter dated 23.04.2025 along with copies of both Appendix B and Appendix C submitted by the applicant, i.e. for Priority I and Priority IV. There is nothing in this communication or in the enclosed documents to show that, after her email dated 15.07.2025, the applicant, through this communication, intended to emphasize that she was seeking a change of priority to Priority IV, as there is some error in the email dated 15.07.2025. Once the applicant has made a specific choice vide email dated 15.07.2025 (Annexure R7), the vague and unspecified communication made on 28.07.2025 cannot be a ground to hold that the applicant did make a choice or change of priority prior to 01.08.2025. That apart, available on record is another email of the **OA 3924/2025 with OA 3795/2025**

applicant dated 19.08.2025, filed by the respondents as Annexure R9, the email shows that it was sent on 19.08.2025 at 20:52 p.m after the results to the OIC AFMS, wherein the applicant states that she wanted to be counseled only under Priority IV for admission in AFMS PG Teaching Institute. This request was made after the stipulated date. In our considered view, once the applicant has expressed her desire specifically vide email Annexure R7 dated 15.07.2025, before the cut of date, i.e., 01.08.2025, to consider her case as a Priority I candidate, in the absence of there being any specific withdrawal of the same by the applicant and a specific request to consider her candidature as a Priority IV candidate before the cut-off date, we cannot, based on vague and unspecified allegations and the communication Annexure R10 dated 28.07.2025, grant any benefit to the applicant.

75. As far as consideration of the applicant's case as a civil candidate based on the NOC granted to her is concerned, the issue has already been considered and discussed by us while considering the case of Applicant No. 1 (Maj Minakshi Dhabhai) in OA 3924/2025 and the same principles and policies apply in the case of the present applicant as well. The applicant was granted an official NOC by the office of DGAFMS on 30.07.2025, wherein she was authorized to appear for NEET PG Counselling as a civil candidate. However, the contention of the applicant is that issuance

of this NOC indicates that the applicant's request and documents were already available with the respondents and the applicant wants this Tribunal to draw a conclusion that the issuance of NOC on 30.07.2025 amounts to a recognition by the respondents to the effect that she was permitted a change of priority, i.e., Priority IV. However, the respondents have demonstrated that the purpose of issuing an NOC for **civil candidature** is totally different and this has already been considered by us in detail while taking note of this issue with regard to Applicant No. 1. We find that issuance of an NOC to appear as a civil candidate cannot be construed as consent by the respondents to say that change of priority to Priority IV was permitted. In our considered view, issuance of an NOC to appear as a civil candidate has nothing to do with change of priority to Cat IV to the applicant. That apart, it was argued by the counsel at the time of hearing that, following the reduction of cut-off marks for PG candidates, the respondents permitted several candidates to switch to Priority IV in October 2025 to ensure that the seats did not go unutilised. In this regard, the example of one Maj Sweety Rani, who obtained nearly 100 marks less than the applicant, was cited to show that she was permitted to appear as a Priority IV candidate and was allotted a seat. This fact has been explained by the respondents in their submissions. It is seen from the record that the contention that Maj Sweety Rani is an ex-SSC officer of the AMC is not correct.

According to the respondents, Maj Sweety Rani is a serving SSC officer who had applied for PG as a Priority I candidate and subsequently applied for release from SSC service on extreme compassionate grounds on 24.08.2025. This was duly approved by the competent authority on 03.10.2025. Accordingly, Maj Sweety Rani proceeded on release on 03.12.2025 and was struck off from the roll of the Corps on 01.01.2026. In the meanwhile, the National Board of Examinations in Medical Sciences (NBEMS) reduced the qualifying percentage for NEET PG 2025 Counselling by its web notice dated 13.01.2026. Consequently, the office of DGAFMS vide notice dated 15.01.2026 invited scorecards, admit cards and release orders from SSC AFMS officers for considering them in Priority IV ex- SSC Officers category. In response, Maj Sweety Rani, being an ex-SSC officer, vide email dated 15.01.2026 applied for consideration as a Priority IV candidate and forwarded her scorecard and release order. It is the case of the respondents that, in view of this, the case of Maj Sweety Rani was rightly considered under Priority IV, she being an ex-SSC officer within three years of release from service and duly eligible for Priority IV. On the contrary, the applicant continued to be a serving SSC officer with all rights and privileges of an officer, and therefore, cannot draw equivalence with an officer who had already proceeded on release.

76. In our considered view, the respondents have clearly demonstrated the difference in the case of Maj Sweety Rani and have indicated under what circumstances she fell under Priority IV and under what circumstances her claim was accepted. Taking note of the totality of the circumstances and the principles culled out by us relying upon the judgment of the Hon'ble Supreme Court in *Manju Arora* (supra) and applying the doctrine of '*approbate and reprobate*' in this case as well, we find that the applicant having consciously applied to be considered in Priority I cannot now be permitted to change her priority after the cut-off date and seek admission to a PG seat. Accordingly, both the OAs stand dismissed.

77. Pronounced in open Court on this the _____ day of February 2026.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

/Jyoti/

