

114 CWP-23662-2022

SATBIR KAUR VS UNION OF INDIA AND ORS

Present: Mr.Navdeep Singh, Advocate
Ms.Jasneet Kaur, Advocate
Ms.Ananya Sharma, Advocate for the petitioner.

Inter alia submits that 30 vacancies had been advertised for post of Army Dental Corps by the Indian Army out of which 27 were reserved for males and 3 for females. Reference is made to the earlier advertisement of May, 2021 (Annexure P-8) wherein 37 vacancies were advertised and there was no such categorization. It is thus submitted that restricting the number to 3 for female candidates would be against the provisions of the Constitution of India. Reliance is placed especially upon the judgment of the Apex Court in **Secretary, Ministry of Defence Vs. Banita Puniya & others (2020) 7 SCC 469** to contend that it is not a Combat Arm.

It is further pointed out from Annexure P-5 the information brochure that candidates have been called for interview in the ratio of 1:10 and the final merit-list for grant of Short Service Commission in the Army Dental Corps will be passed on the basis of performance in the interview. It is accordingly submitted that only 30 lady candidates are being called whereas 270 men have been called as per the interviews fixed ranging from 10th October to 29th October, 2022 (Annexure P-3). It is further pointed out from the chart which has been handed over that the merit which is based on the National Eligibility Entrance Test (NEET-MDS), 2022 would go on to depict that for male candidates, merit would dip to 2934 and for the lady candidates it would be at 235 while also referring to the averments made in para No.8.

Notice of motion.

Ms.Anita Balyan, Advocate accepts notice on behalf of the respondents-UOI and submits on instructions from Brigadier P.K.Singh that the information elicited is that 14 women candidates were appointed for the earlier advertisement of May, 2021. She submits that 3 vacancies for women has been fixed, keeping in view various factors including retirement of lady officers.

List on 13.12.2022.

Keeping in view the above, petitioner shall also be provisionally interviewed by the respondents.

The recruitment process shall be subject to final decision of the writ petition.

(G.S. SANDHAWALIA)
JUDGE

(JAGMOHAN BANSAL)
JUDGE

17.10.2022
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