



2026:AHC-LKO:19257

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 13860 of 2025

Jai Dutt Bhatt Thru. His Next
Friend/Father/Guardian Bhawani Dutt BhattPetitioner(s)

Versus

U.O.I. Thru. Ministry Of Defense New Delhi And
AnotherRespondent(s)

Counsel for Petitioner(s)	:	Alok Kr. Misra
Counsel for Respondent(s)	:	A.S.G.I.

Court No. - 7

HON'BLE MANISH MATHUR, J.

1. Heard Mr. Alok Kumar Mishra learned counsel for petitioner and Mr. Dev Rishi Kumar learned counsel for opposite parties.
2. Petition has been filed challenging order dated 14th November 2025 whereby petitioner's application for induction against vacant seats of 10+2 Technical Entry Scheme-53 course of Indian Army has been rejected.
3. Learned counsel for petitioner submits that it would be evident from the impugned order that petitioner participated in the aforesaid recruitment process and was included at serial number 121 of the select list. It is submitted that petitioner's application has been rejected only on the ground that no vacancy arose within the delayed induction period of 21 days whereas petitioner had submitted an application for induction prior to expiry aforesaid 21 days. It is submitted that induction was closed and the merit rank of 120 leaving petitioner at the waiting of serial number 121. It is also submitted that with regard to the induction period, opposite parties have taken a contrary stand while denying benefit to petitioner only on the basis of induction period being 21 days whereas in the case of another person namely one Ankur, the opposite parties have rejected his case indicating the induction period as 42 days.
4. Learned counsel for opposite parties on the basis of counter affidavit dated 29th January 2026 has refuted submissions advanced by learned

counsel for petitioner and submits that as per circular dated 26th July 2000, the induction period has clearly indicated in the case of IMA, OTM, NDA as four weeks, three weeks and three weeks respectively. It is submitted that since all the vacancies have been filled up and no vacancy existed or arose within the induction period of 21 days, there was no occasion to accommodate petitioner.

5. Upon consideration of submissions advanced by learned counsel for parties and perusal of materials on record, particularly the impugned order, it appears that petitioner has not been selected for induction only on the ground that no vacancy arose within the delayed induction period of 21 days from commencing of the TES-53 course of July 2025 which was closed at merit rank of 120 whereas petitioner attained merit rank of 121.

6. A perusal of the circular dated 26th July 2000 indicates directions having been issued for delayed induction, IMA, OTA and NDA as four weeks, three weeks and three weeks respectively from the commencement of the course.

7. It is admitted that the course in the present case in pursuance of the advertisement commenced on 30th June 2025. A perusal of the aforesaid advertisement brought on record as annexure No.2 to writ petition also indicates in paragraph 3 that 90 vacancies were required to be recruited upon with the type of commission being indicated as permanent in the Army in the rank of Lieutenant upon successful completion of four years in the course. Training of total four years with two phases with integrated basic military training and engineering training followed by phase-2 of integrated basic military training has been indicated.

8. Quite evidently, the circular dated 26th July 2000 would be applicable in the present facts and circumstances particularly in view of denial of opposite parties that any vacancy arose within the delayed induction period of 21 days from commencement of the course.

9. Although the petitioner has denied the aforesaid aspect but has failed to corroborate by any documentary evidence that any vacancy arose within the delayed induction period.

10. In view of aforesaid discussion, it being evident that no vacancy arose

within the delayed induction period of 21 days from the commencement of course, no benefit could have been granted to petitioner in view of his being at the merit rank of 121.

11. Resultantly, the petition fails and is dismissed. Parties to bear their own costs.

(Manish Mathur,J.)

March 17, 2026
prabhat