

ITEM NO.11, 11.1 Court 6 (Video Conferencing)

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No. 1416/2020

KUSH KALRA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 112336/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 107457/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 102617/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 87814/2021 - STAY APPLICATION)

WITH

W.P.(C) No. 524/2021 (PIL-W)
(IA No. 106572/2021 - APPLICATION FOR PERMISSION
IA No. 112343/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 100487/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 110641/2021 - CLARIFICATION/DIRECTION
IA No. 110638/2021 - INTERVENTION APPLICATION)
IA NO. 119815/2021-INTERVENTION)

Date : 22-09-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. Chinmoy Pradip Sharma, Sr. Adv.
Mr. Mohit Paul, AOR
Ms. Sunaina Phul, Adv.

Mr. Kailas Udhavrao More, in-person

For Respondent(s) Ms. Aishwarya Bhati, Ld. ASG
Ms. Archana Pathak Dave, Adv.
Ms. Ruchi Kohli, Adv.
Mr. Chinmayee Chandra, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Naresh Kaushik, Adv.
Mr. Vardhman Kaushik, AOR
Ms. Lalitha Kaushik, Adv.
Mr. B. Purushottama Reddy, Adv.
Mr. Nishant Gautam, Adv.

Mr. Nakul Dewan, Sr. Adv.
Mr. Aditya Swarup, Adv.
Mr. Manish Sharma, AOR

Mr. Manish Kumar, Adv.
Mr. Amit Kumar, Adv.
Mr. Piyush Kaushik, Adv.
Mr. Nakul Jain, Adv.
Ms. Hyyat Ahluwalia, Adv.
Ms. Divya Roy, AOR

UPON hearing the counsel the Court made the following
O R D E R

W.P.(CIVIL) NO. 1416/2020

Applications for exemption from filing affidavits are allowed.

A report has been filed by the Armed Services. Some of the areas which will need to be addressed have been set out in the affidavit. These are stated to be the preparatory actions for induction of women in the NDA. Suffice to say the aspects referred to are the medical fitness, the intake strength, proposed training standards/ curriculum, requirement of infrastructure, accommodation and all these aspects are expected to be addressed by a study group which has been constituted by the defense services consisting of experts to expeditiously formulate the comprehensive curriculum for the women candidates in the NDA. The only caveat which is sought to be put is as set out in para 4 where it has been submitted that the necessary mechanism in place would be available

by May, 2022.

Mr. Chinmoy Pradip Sharma, learned senior counsel submits that the NDA exams are held twice a year and this would amount to postponing the whole process by one year, something disputed by learned Additional Solicitor General who submits that effectively what is being submitted is that the present exams scheduled in November, 2021 be permitted to be skipped so far as induction of women candidates are concerned and in the next exam to be held and the recruitment made, the whole process will be completed.

We have given a thought to the matter and to the difficulties expressed by the Armed Services. What it effectively would mean if we accept the submission of the Armed Services is a principle of "*no jam today, jam tomorrow*". It would be difficult for us to accept such a position, the aspirations of the women candidates having arisen in view of the orders we had passed, *albeit*, subject to the final orders. The Armed Services of India have dealt with very difficult situations on the border and in the country and acquitted themselves admirably. To deal with the emergencies is a part of their training. We are sure that training would come in handy to deal with this "emergency", if it is so

perceived for the larger gender neutral issues which cannot be postponed. We would thus not like to effectively vacate the order already passed by us, which would be the purport of the prayer made but keep the matter pending for any further directions depending on the position which may emerge after the exam is held.

We are informed that the UPSC has still not issued the notification. Learned counsel for the UPSC submitted that they are awaiting certain instructions on parameters from the defense department. The needful will be done by the defense department in collaboration with the UPSC. In view of the fact that the matter is still being examined by the expert Committee/special study group, for this examination, in order to facilitate its completion, we would give a little lee way to the defense department to give some tentative requirements, subject to finalization of the same by the expert committee/special study group, if it is not possible to finalize them before the publication of the notification.

List on 18.01.2022.

IA No. 106572/2021 - APPLICATION FOR PERMISSION TO FILE REJOINDER AFFIDAVIT
IA No. 112343/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 100487/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 110641/2021 - CLARIFICATION/DIRECTION
IA No. 110638/2021 - INTERVENTION APPLICATION)
IA NO. 119815/2021-INTERVENTION

I.A. NO. 100487/2021, IA. NO. 112343/2021- FOR DIRECTIONS

We are not inclined to entertain these applications as we have to take a call on a larger issue on the next date and if we permit the participation of the female candidates naturally the applicant will be entitled to take examination.

The applications stand disposed of.

I.A. NO. 110641/2021- FOR DIRECTIONS

In view of order passed in the above applications this application also stands disposed of.

IA No. 110638/2021 - INTERVENTION
IA NO. 119815/2021-INTERVENTION

The applicants are permitted to intervene.

The applications stand disposed of accordingly.

W.P.(Civil) No. 524/2021

The defense services having Chartered a course forward in the NDA, the issue of admission to girls in the Rashtriya Indian Military College (RIMC) and Rashtriya Military School (RMC) has to be addressed and cannot be postponed. We are told that the last date for submission of applications is

30.10.2021 and the exam is scheduled for 18.12.2021.

Learned Additional Solicitor General has informed that the Separate study group other than the one to iron out the creases in NDA admissions has been set up to sort out the problem so far as induction of women in RIMC and RMC is concerned. Possibly the time to be taken would be not that much and would be less. Be that as it may, one would expect the complete system to be in place as stated by learned Additional Solicitor General qua NDA, i.e. May, 2022. That leaves us with the question as to what is to happen to the exam which is now scheduled and we have to take cognizance of the fact that we have permitted the women candidates to compete for NDA. That being the position, we would require learned Additional Solicitor General to even address this issue of induction at par and file an affidavit before us within two weeks.

List on 07.10.2021.

The suggestions sent by learned counsel for the intervenor in IA No. 110638/2021 and by the Rova Alumni Association should be examined in this process.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)