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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9299/2021, CM APPL. 28913/2021
MALIKA DAWER & ORS.Petitioners

Through: Mr. Sanjoy Ghose, Sr. Adv.
with Mr. Kartik Yadav, Mr. Chandra
Shekhar, Mr. Rohan Mandal, Mr. Viraj
Kaushik, Mr. Sanjeev Goswami, Mr. Amit
Kumar and Ms. Shambhavi Mishra, Advs.

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Jagdish Chandra Solanki,
CGSC for UOI with Major Kanika Sharma
and Major Karan Singh Sandhu (Army)

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER
21.04.2026

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1. We have heard Mr. Sanjoy Ghose, learned Senior Counsel appearing for the petitioners. Mr. Jagdish Chandra Solanki, learned CGSC appearing for the respondents along with Major Karan Singh Sandhu has also been heard for some time.

2. The grievance of the petitioners, as ventilated by Mr. Ghose, is that the petitioners were denied recruitment into the Territorial Army. He submits that, for no conceivable reason, the respondents have restricted the number of posts available in the Territorial Army to 20. He further submits that, even if 20 vacancies were to be treated as available, there is no reason why the petitioners cannot be accommodated against those 20 vacancies.



3. The figure of 20 vacancies, according to the counter affidavit and written submissions, appears to be an overall figure of the number of lady candidates who can be inducted into the Territorial Army. We are unaware of the basis of this figure.

4. That apart, we are also not clear as to why the petitioners could not be recruited against the said 20 vacancies, assuming there were only 20. The petitioners are only eight in number. The somewhat surprising stand of the respondents in this regard is that, if the eight petitioners were to be inducted, it would fill up 65% of the 20 vacancies, which would operate to the prejudice of lady candidates who may want to be recruited to the Territorial Army in coming years.

5. We are unaware of any principle of service jurisprudence under which, for an unknown exigency of candidates who may want to be inducted into the Territorial Army in coming years, candidates who are within the number of existing vacancies and who are suitable for the posts cannot be recruited.

6. Besides, given the facts that even as per the advertisement against which the petitioners applied, the number of vacancies are based on organisational requirements, it is clear that the number of vacancies are not static but are flexible. We do not see, therefore, as to why, if the need arises, the figure of 20 cannot be increased to accommodate lady candidates who may be aspirants in coming years.

7. We, therefore, have called upon the respondents to file an affidavit explaining



- (i) why, even assuming there are only 20 vacancies to be filled up by lady officers in the Territorial Army, the petitioners being only eight in number could not have been accommodated against those 20 vacancies, and
- (ii) the basis for stating that only 20 vacancies would be available even though, there are far more units identified in paragraph 30(h) of the counter affidavit.

8. Let an affidavit limited to the above aspects be positively filed by the respondents within a period of one week from today and no more.

9. Given the fact that this is a writ petition of 2021 and deals with induction of women officers into the Territorial Army, we make it clear that no further time shall be provided to the respondents to file the above affidavit.

10. Let a copy of the affidavit be provided to learned Counsel for the petitioners, who may if they so choose file a response thereto within a week thereof.

11. Re-notify on 12 May 2026 as part heard for disposal in the Supplementary List.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

APRIL 21, 2026/aky