

IN THE SUPREME COURT OF INDIA
ORIGINAL JURISDICTION

Writ Petition(s) (Civil) No(s). /2022

IN THE MATTER OF

Manohar Lal Sharma Advocate

Petitioner

VERSUS

1. Union of India

Ministry of Defense

Through Secretary

Shastri Bhawan, New Delhi-110001

Respondents

Writ petition (PIL) U/Art. 32, of the constitution of India

- 1) That Petitioner , citizen of India & by profession an advocate practicing at above address, is filing the present writ petition (PIL) under Art. 32 invoking his fundamental right to protect fundamental right of the citizen of India as guaranteed under Art. 32 of the constitution of India challenging impugned press not dt 14th Jun 2022 issued by the Defense Ministry contra to the constitutional to get it quashed being illegal, unconstitutional and ultra vires to the constitution of India being also void in the interest of justice.
- 2) That cause of arose to file present petition arose to the petitioner on 14th Jun 2020 when the impugned press notification scheme 2022 has been

issued on the official site of the respondent contra to the constitutional which is a serious injury to the citizen of India including to the Indian army which cannot be repaired if not quashed.

- 3) That according to the impugned press note Agniveer scheme dt. 14.06.2022 after 4 years out of 100% selected candidates for Permanent Commission in Indian Army 25% will be continued in Indian Army force and rest 75% will be retired /denied job in the Indian army. During 4 year they will be paid salary and perk but after 4 years denied candidate will get no pension etc.
- 4) That according to the defence Ministry there is an Permanent Commission in the Indian army which provide a career in the Army till an officer retires. It means that if an officer gets selected through Permanent Commission entry then he have the option to serve nation up to the age of retirement (60). Whereas in Short Service Commission (SSC), an officer has the option of joining the Army and serving as a Commissioned Officer for a period of 10/14 years.
- 5) That Indian army have rule and systems since British period which were reaffirmed in 1956 and is continued till date i.e. 17.06.2022 what have been changed via imposing impugn scheme on 14.06.2022 and has been imposed and will be applied from 24.06.2022.
- 6) That A Permanent Commission means a career in the Army till an officer retires. It means that if an officer gets selected through Permanent

Commission entry then you have the option to serve your nation up to the age of retirement (60). Whereas in Short Service Commission (SSC), an officer has the option of joining the Army and serving as a Commissioned Officer for a period of 10/14 years.

7) That on 28 October 2021 Justice DY Chandrachud and Justice BV Nagarathna, who is soon to become the first woman Chief Justice of India had taken up the petition and was hearing the matter. In the petition, 71 women Short Service Commission officers, who were denied Permanent Commission, had gone to the Supreme Court seeking the same challenging that their disqualification was against the Supreme Court's judgment passed back in March, which directed the Indian Army to grant Permanent Commission to all women Short Service Commission officers who met the criteria.

a) The Centre, post their evaluation, had notified the Supreme Court that out of the 71 officers, only 39 were found eligible for Permanent Commissions. While subjecting about the ones not selected the centre stated that seven were medically unqualified and 25 carried with them some "issues of discipline". The Supreme Court then directed the centre to give a detailed report explaining the reasons why the 25 were not eligible for Permanent Commission. On October 1, the court had directed the government not to release any of the officers from service.

- 8) On 14.06.2022 contra to the constitutional provisions and without having approval in the parliament and without any gazette notification respondent quashed century old army selection process and imposed Impugned Agniveer -22 scheme in the country , “Agni Path Scheme” for the recruitment in all 3 armed forces division and declared to start from 24.06.2022.
- 9) That Agnipath Scheme 2022 recruitment will begin from June 24. [Indian Air Force](#), [IAF](#) will begin the recruitment announced Chief of [Air Staff](#) Air Chief Marshal VR Chaudhari said on Friday.
- 10) That on 17.06.2022 The Chief of Air Staff told PTI that raising the upper age limit to 23 for induction under the Agnipath scheme for the year 2022 would permit a larger section of youths to enrol under the new model of recruitment.
- 11) That Immediate a large section of youth lost their patient looking dark future and hope in the army selection process and looking scrape their future for ever they started protest in Gurgaon as well as in all over India. The protest fume rolled ou tentie statein the counry and are under serious protest.
- 12) On 17.06.2022 Section 144 imposed in Gurgaon due to the ongoing protest.
 - a) ITO New Delhi : Several students along with the members of All India Students’ Association (AISA) on Friday staged a protest over the Central government’s ‘Agnipath’ scheme for recruitment in the armed forces and demanded its rollback.

- i) Holding placards, the students raised slogans against the government and sat in between the old Delhi Police headquarters and the Gate No 5 of the ITO Delhi Metro Station.
- ii) However, as the numbers kept rising, the security personnel, including CRPF, removed the protesters from the site.
- iii) Several protesters were detained by the Delhi Police.
- iv) One of the protesters said they did not want a contract job. “Where will we go after years? Our life and career is at stake. The government needs to take it back,” a protestor said.

Prayer

Therefore within the foresaid facts, circumstances and law and in the interest of justice and fair play & for the protection of the life and liberty of the citizens of India this Hon’ble court: -

1. Be pleased to issue writ of mandamus to Respondent for quashing of the impugned notification/ press note dated 14.06.2022 being illegal, unconstitutional and void ab-initio & ultra vires to the constitution of India in the interest of justice
AND

2. And pass such other order or further orders, as this Hon'ble court may deem fit and proper under the facts and circumstances of the case.