

**THE JUDGEMENT DATED 14.09.2009 OF HON'BLE HIGH COURT OF DELHI IN RESPECT OF WRIT PETITION NO. ( C ) No.11461/2009 FILED BY PETITIONERS ANURAG RAWAT AND OTHERS, CANDIDATES OF NDA & NA EXAMINATION (II), 2008**

1. The petitioner impugns the selection lists for Army/Navy and for Air force and for Naval Academy on the ground that the merit ranking of the petitioners and some other candidates in Air force merit list is different than the merit ranking in Army/Navy though the candidates had appeared before the same selection Board. The counsel contended that in Air force merit list, Anurag Rawat was below Mr. Vivek Bhaskar, however, in the merit list of Army/Navy, Mr. Vivek Bhaskar has been placed below Anurag Rawat.
2. Learned counsel for UPSC, appearing on advance notice, contends that there was an additional test for Air force, which is Pilot Aptitude Battery Test and on account of performance in the said test, the merit has to be different and merit for Army/Navy can change.
3. Learned counsel for the petitioner also admits that an additional test for Pilot Aptitude Battery Test was taken for selection to the Air force. Since, there is an additional test, Aptitude Battery Test, for the selection to the Air force, different performance in the Pilot Aptitude Battery Test will /can result into different merit for Army/Navy and Air force. Consequently, the grievance of the petitioner is without any basis and on the said allegations the merit lists cannot be disallowed.
4. Learned counsel for the petitioner also contends that the merit list of Army and Navy is the general list having all the candidates and relies on Annexure P-2. However, perusal of the list reveals that the list of Army/Navy is separate than Air force and for Naval Academy. In the circumstances, the pleas raised by the petitioner are not made out. The admission list prepared by UPSC for Army /Navy, Air fore and Naval Academy are not liable to be quashed on the grounds as raised by the petitioner.
5. For foregoing reasons, the petitioner is not entitled to the reliefs claimed. The writ petition is, therefore, dismissed.