CASE LAW UPDATES

Case Brief: Lt. Col. Pooja Pal and Others v Union of India (2026 INSC 281)

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Can a performance record written during years of institutional exclusion be used to deny a woman officer her rightful place in the Army? The Supreme Court answered this question decisively in Pooja Pal v Union of India, one of the most significant gender equality rulings to come out of the Armed Forces in recent years.

This case brief on **Pooja Pal v Union of India** covers the facts, issues, arguments, holding, and ratio, in the standard case brief format used for exam preparation and legal research.

Citation and Bench

Case Name: Lt. Col. Pooja Pal and Others v Union of India and Others

Citation: 2026 INSC 281

Court: Supreme Court of India

Decided On: March 24, 2026

Bench: Chief Justice Surya Kant, Justice Ujjal Bhuyan, and Justice Nongmeikapam Kotiswar Singh

Docket: Civil Appeal Nos. 9747 to 9757 of 2024

Facts

Short Service Commission Women Officers, commonly called SSCWOs, historically served the Indian Army for a limited tenure without the option of a Permanent Commission, unlike their male counterparts. Section 12 of the Army Act, 1950 restricted the enrolment of women unless the Central Government specifically notified otherwise, and a notification dated February 15, 1992 opened limited entry for women officers, though Permanent Commission remained largely out of reach.

In Secretary, Ministry of Defence v Babita Puniya (2020), the Supreme Court held that denying women officers the opportunity to compete for Permanent Commission was discriminatory. Following this, in Lt. Col. Nitisha v Union of India (2021), the Court found that even the evaluation process framed to implement Babita Puniya was indirectly discriminatory, since medical standards and career criteria were designed around a male officer's career trajectory.

Despite these rulings, several SSCWOs continued to be denied Permanent Commission. The evaluation formula, framed under a policy dated February 24, 2012, gave significant weightage to Annual Confidential Reports, commonly known as **ACRs**. A policy circular dated January 15, 1991 had also fixed a cap of 250 vacancies and a 60 percent cut-off grading requirement for Permanent Commission.

The appellants, a group of women Army officers, argued that their ACRs had been written during a period when they were institutionally excluded from career enhancing postings, command appointments, and specialised courses that were routinely made available to male officers. Since ACR gradings heavily depend on the nature of postings and responsibilities assigned, this exclusion directly and unfairly depressed their evaluation scores.

Procedural History

The appellants first approached the Armed Forces Tribunal, which rejected their claims by treating the denial of Permanent Commission as a straightforward outcome of comparative merit based on ACR scores. The Tribunal did not examine whether the ACRs themselves had been generated under fair and equal conditions.

Aggrieved by this, the officers filed civil appeals before the Supreme Court under Article 136. A related batch of male officers also filed appeals raising overlapping service related grievances, and both sets of appeals were heard together.

Issues

1. **Whether ACRs written during a period of institutional exclusion can be treated as a fair and valid basis for denying Permanent Commission to women officers.**
2. **Whether the Armed Forces Tribunal erred in treating the outcome as a matter of pure comparative merit, without examining the fairness of the underlying evaluation**

process.

3. **Whether the 60 percent cut-off and 250 vacancy cap under the 1991 policy, when applied to ACRs generated under unequal conditions, violate Article 14 and Article 16 of the Constitution.**
4. **Whether the Supreme Court can use Article 142 to grant tailored relief, including deemed service and pension benefits, to officers who were released from service during the pendency of this litigation.**

Arguments of the Petitioners

The women officers argued that an ACR is not a neutral or objective document. It reflects the nature of postings, command opportunities, and courses assigned to an officer during the relevant period, and women officers had historically been denied access to many career enhancing appointments that were freely available to male officers.

They contended that using these very ACRs, shaped by years of structural exclusion, as the primary yardstick for Permanent Commission perpetuated the same discrimination that Babita Puniya and Nitisha had already condemned, only in a more disguised form.

Arguments of the Union of India

The Union argued that the minimum ACR grading required for extension and for Permanent Commission had remained broadly consistent across officers, and that the selection process applied uniform numerical thresholds to everyone. It contended that the 60 percent cut-off and the 250 vacancy cap were policy decisions falling within the domain of military administration, into which courts should be slow to intervene.

Holding

The Supreme Court allowed the appeals filed by the women officers and dismissed the appeals filed by the male officers, granting a detailed and carefully tailored set of reliefs.

On the core issue of ACRs: The Court held that the real controversy did not lie in the numerical thresholds prescribed by policy, but in the qualitative context in which those gradings were awarded. An assessment conducted under the assumption that an officer had no long term future

in the institution, and without access to the same career enhancing opportunities as others, **cannot fairly be treated as a valid assessment of suitability for permanent absorption.**

On systemic discrimination: The Court found that the denial of Permanent Commission was a consequence of systemic discrimination embedded in the evaluation framework itself, and not a genuine reflection of individual merit or comparative performance.

On relief under Article 142: Exercising its powers under Article 142 to do complete justice, the Court granted the following specific reliefs.

- All existing Permanent Commissions already granted were protected and would not be disrupted.
- Serving SSCWOs who met the 60 percent cut-off in the relevant Selection Boards were directed to be granted Permanent Commission, subject to medical and disciplinary clearance.
- Women officers who had been released from service during the pendency of the litigation were granted a one-time deemed completion of 20 years of qualifying service, entitling them to pension and consequential benefits, though arrears were limited to periods from January 1, 2025 onward.
- The Court reiterated the need to review the method of ACR evaluation and cut-offs for future batches of officers.

On tailored relief: The Court was careful to clarify that this relief was crafted specifically for the women officers before it, based on the unique history of structural disadvantage, and did not create a general or automatic entitlement for all future claims, which would continue to be examined through regular remedies.

Ratio Decidendi

An evaluation record generated during a period of demonstrated institutional exclusion cannot be treated as a neutral or fair basis for a subsequent career decision, since the record itself is a product of the very discrimination being examined. Where a facially neutral criterion, such as a minimum ACR grading, operates in practice to perpetuate the effects of past systemic bias, it amounts to a violation of the substantive equality guaranteed under Article 14 and Article 16 of the Constitution.

Article 142 permits the Supreme Court to fashion specific, one-time corrective relief for a historically distorted selection process, without creating an open ended or automatic entitlement for all similarly placed persons going forward.

Conclusion

Pooja Pal v Union of India marks a significant deepening of the equality jurisprudence first developed in Babita Puniya and Nitisha. By looking beyond the surface neutrality of ACR based evaluation and examining the institutional conditions under which those records were actually created, the Supreme Court has reaffirmed that true equality demands more than equal rules on paper. It demands a genuine examination of whether those rules operated fairly in practice.