BLOGS

Case Brief: Yogendra Kumar Singh v Union of India

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Can a decade old military policy quietly poison the very records used to judge an officer years later? In Yogendra Kumar Singh v Union of India, the Supreme Court said yes, and used this insight to rewrite how the Indian Navy must evaluate its Short Service Commission Officers for Permanent Commission.

This case brief on **Yogendra Kumar Singh v Union of India** follows the standard format used in law prep courses, covering the facts, issues, arguments, holding, and ratio, in a Navy dispute delivered as a parallel ruling to the Army's Pooja Pal judgment.

Citation and Bench

Case Name: Yogendra Kumar Singh v Union of India and Others

Citation: 2026 INSC 282

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 No. 14681 of 2024

Statutes and Regulations Involved: Section 9(2) and Section 184 of the Navy Act, 1957; Regulations 122(14), 202, and 203 of the Regulations for the Navy, Part III, 1963

You can also refer to Article 142 and Article 14 of the Constitution for the reliefs and principles discussed below.

Facts

Short Service Commission, or SSC, induction was originally conceived to address manpower shortages after British personnel exited the Indian Armed Forces. For decades, only male officers were inducted as SSCOs in the Navy, since Section 9(2) of the Navy Act, 1957 placed a conditional statutory bar on recruiting women.

Once women officers were eventually permitted into the Navy's SSC stream, a structural problem followed them throughout their careers. For years, these officers, particularly women, were treated as ineligible for Permanent Commission under prevailing policy. Their Annual Confidential Reports, or ACRs, were written by senior officers carrying that same institutional assumption, namely that these officers had no long term future in the service.

When the policy later changed and these officers became eligible to compete for Permanent Commission, the Navy relied on those very same ACRs, written under the old assumption, to assess their suitability. The appellants, roughly 25 SSCOs of whom the majority were women, had been considered but not granted Permanent Commission in Selection Boards held in December 2020 and September 2022.

They also challenged the Navy's Dynamic Vacancy Model, a mathematical method that divided calculated staffing deficiencies by fifteen and spread vacancies across batches over a fifteen year horizon, arguing this was arbitrary and designed to artificially suppress available Permanent Commission vacancies.

Procedural History

This dispute travelled through High Courts, the Armed Forces Tribunal, and back to the Supreme Court over roughly fifteen years and three rounds of litigation. The matter had earlier reached the Supreme Court in Union of India v Annie Nagaraja (2020), where the transfer of related writ petitions to the Armed Forces Tribunal was directed, and again in Amit Kumar Sharma v Union of India (2022), where the Court had already rebuked the Navy for making sealed disclosures only to the Tribunal rather than to the officers themselves.

The Armed Forces Tribunal, in the round of litigation leading to this appeal, had directed the Navy to convene a fresh Special Selection Board. Both the officers and the Union of India appealed this outcome to the Supreme Court, along with a batch of connected matters, including the parallel Army case, Lt. Col. Pooja Pal v Union of India, decided by the same Bench on the same day.

Issues

1. **Whether ACRs written for officers who were institutionally treated as ineligible for Permanent Commission can later be relied upon as a fair and valid basis to deny them that very commission.**
2. **Whether the Navy's Dynamic Vacancy Model, spreading vacancy deficiencies over a fifteen year horizon, is arbitrary and violative of Article 14.**
3. **Whether the Navy's failure to disclose evaluation criteria, vacancy computation methodology, and related policy material to Selection Boards in advance violated the principles of natural justice and transparency.**
4. **Whether the Supreme Court should direct yet another fresh Selection Board, or instead grant tailored relief under Article 142.**

Arguments of the Appellants

The appellant officers argued that their ACRs were casually graded precisely because reporting officers knew these officers were, at the time, considered to have no genuine prospect of Permanent Commission. They contended that relying on such tainted records years later, once the policy changed, unfairly converted a historical policy exclusion into a permanent stamp of "unsuitability."

On the Dynamic Vacancy Model, the officers argued that spreading deficiencies across a fifteen year horizon was simply a device to artificially minimise the number of vacancies genuinely available for Permanent Commission in any given year. They further argued that the Navy's failure to disclose its Approach Paper, evaluation parameters, and vacancy data before Selection Boards convened denied them any real opportunity to contest the process.

Arguments of the Union of India

The Union defended the Dynamic Vacancy Model as a legitimate exercise of military personnel policy, rooted in genuine service considerations such as maintaining a stable age profile, cadre stability, and long term operational readiness across the officer corps. It argued that courts should extend deference to such internal force structuring decisions, absent clear illegality or arbitrariness.

On the question of remedy, the Union urged that any defects in the process be corrected through a fresh Selection Board conducted under revised, transparent norms, rather than through a direct grant of Permanent Commission by judicial order.

Holding

The Supreme Court delivered a carefully balanced verdict, upholding one part of the Navy's policy while striking down another, and crafting a tailored final remedy.

1. ACRs written under an institutional assumption of ineligibility are unreliable. The Court held that where officers were, at the relevant time, treated as having no genuine prospect of Permanent Commission, their ACRs from that period were inevitably shaped by that assumption. Past ineligibility, the Court held, cannot be allowed to calcify into "deemed unsuitability" once the policy changes. This finding echoed the same principle applied to the Army in the companion Pooja Pal judgment delivered the same day.

2. The Dynamic Vacancy Model was upheld. The Court accepted the Navy's service based rationale, finding a rational connection between the fifteen year vacancy distribution model and legitimate objectives like cadre stability and operational readiness. The Court showed clear judicial deference to this internal policy choice, finding no arbitrariness warranting interference.

3. Non-disclosure of evaluation criteria violated natural justice. The Court held that the Navy's failure to promulgate its Approach Paper, evaluation parameters, vacancy data by branch and batch, and marking schemes in advance of Selection Boards was unlawful. It endorsed the Armed Forces Tribunal's finding on this point and made transparency a **mandatory precondition** for all future Selection Boards.

4. A fresh Selection Board was unnecessary; direct relief was granted instead. Rather than send the matter back for yet another round of selection, which the Court feared would only perpetuate unfairness and prolong litigation already stretching across fifteen years, the Bench exercised its powers under Article 142 to grant a one-time, direct grant of Permanent Commission to defined categories of officers.

This included SSCOs already granted Permanent Commission through the Selection Boards of December 2020 and September 2022, SSCWOs inducted into the Navy prior to January 2009, and SSCWOs inducted after January 2009 in branches other than law, education, and naval architecture, subject to medical, disciplinary, and vigilance clearance.

5. Deemed pensionary service for released officers. Officers who had been released from service during the pendency of this prolonged litigation were deemed to have completed 20 years of qualifying service for pension purposes, with arrears payable from January 1, 2025 onward, though existing Permanent Commission grants were left undisturbed.

Ratio Decidendi

An evaluation record produced during a period when an officer was institutionally treated as having no genuine future in the service cannot be mechanically relied upon once that underlying policy is judicially or administratively altered, since doing so converts a past systemic exclusion into a permanent, undeserved finding of unsuitability.

At the same time, an internal service policy governing force structure, such as a vacancy distribution model, will attract judicial deference where a rational connection to legitimate institutional objectives is shown, absent clear arbitrariness. However, procedural transparency in the criteria and data underlying any Selection Board is a mandatory requirement of natural justice, and its absence renders the resulting selection process unlawful.

Illustration

Suppose a Navy officer was informed for years that women in her branch were not eligible for Permanent Commission under the rules then in force. Her superior officers, aware of this, graded her ACRs without any real consideration of her long term career potential, since none seemed to exist under the applicable policy.

Years later, once the rules change and she becomes eligible to compete for Permanent Commission, the Navy cannot simply pull out those very same ACRs and treat her comparatively low scores as proof that she is unsuitable. Following this judgment, that approach itself is now unlawful, since the flaw lies in the historical assumption embedded in the record, not in the officer's actual ability.

Why This Case Matters

Yogendra Kumar Singh v Union of India is significant for extending the Army focused reasoning of Pooja Pal to the Indian Navy, while adding a distinct and valuable contribution of its own on transparency in Selection Boards. The judgment shows that courts can accept a facially neutral,

even sensible, administrative policy like the Dynamic Vacancy Model, while still striking down the unfair, opaque manner in which it was implemented.

For officers and future litigants, this case establishes two lasting principles. First, historical policy exclusion cannot quietly convert into permanent unsuitability through tainted service records. Second, the days of undisclosed evaluation criteria and secret vacancy computations in military Selection Boards are constitutionally over.

Conclusion

By granting direct, one-time relief instead of ordering yet another Selection Board after fifteen years of litigation, the Supreme Court in Yogendra Kumar Singh v Union of India chose a pragmatic, outcome oriented remedy over ritual procedural repetition. The judgment stands alongside Pooja Pal as a twin pillar of India's evolving service law jurisprudence, insisting that fairness in the armed forces must be judged by substance, not merely by the formal neutrality of the rules on paper.