COMPASSIONATE APPOINTMENT IN PUBLIC EMPLOYMENT IN INDIA: BALANCING SOCIAL WELFARE AND EQUALITY OF OPPORTUNITY UNDER ARTICLES 14 AND 16 OF THE CONSTITUTION

by

Kiransmitha E[1]

ABSTRACT

Compassionate appointment occupies an uneasy position in Indian public service law. Conceived as an exceptional measure to relieve the immediate financial distress of families of government employees who die in harness or are medically incapacitated, it departs from the general rule of open, merit-based recruitment under Articles 14 and 16 of the Constitution of India. This paper examines whether, and on what conditions, that departure is constitutionally defensible. Using a doctrinal methodology, it analyses constitutional provisions, service rules and judicial decisions, taking the Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023, as amended in 2025, as a state-level illustration. It argues that the courts treat compassionate appointment as a limited, scheme-based welfare exception grounded in need, and not as a vested right. It shows, however, that the insistence on immediacy sits uneasily with administrative delay, that need is assessed through inconsistent proxies, that the authorities disagree on which version of a scheme governs a claim, and that the Supreme Court's two decisions of late 2025 are best read as addressing different claims and not as conflicting. The paper concludes that the exception can be reconciled with equality of opportunity only under clear, uniform and time-bound criteria, with reasoned decisions and consistent judicial scrutiny, and it offers nine reform recommendations.

Keywords: Compassionate Appointment; Public Service Law; Service Jurisprudence; Public Employment; Welfare Exception.

[1] LL.M., II Year, School of Excellence in Law, The Tamil Nadu Dr. Ambedkar Law University.

Indian Journal of Law and Jurisprudence | Licensed under Creative Commons — https://creativecommons.org/licenses/by/4.0/ | DOI: 10.5281/zenodo.24201874 | Title: Compassionate Appointment in Public Employment in India: Balancing Social Welfare and Equality of Opportunity under Arti

1. INTRODUCTION

Public employment in India is governed, in principle, by open competition. Articles 14 and 16 of the Constitution require the State to recruit through fair, non-arbitrary processes open to all eligible citizens, and the Supreme Court treats constitutional recruitment as the norm from which any departure must be justified.[2] Compassionate appointment is one such departure. It allows a dependant of a government employee who dies in harness, or in some schemes becomes medically incapacitated, to be considered for a post without competing in the ordinary selection process. Its justification is humanitarian: the sudden loss of a family's principal earner may cause immediate hardship, and the State, as employer, may reasonably respond to it.

The humanitarian justification and the equality norm pull in opposite directions. The more generously the exception is applied, the more it resembles a hereditary claim on public posts, which Article 16 is designed to prevent; the more strictly it is applied, the less it serves the families it was created for. Courts therefore call it an exception and not a vested right, while insisting that decisions under it be fair, reasoned and non-discriminatory.

The subject is also unsettled in emphasis. In late 2025 two Supreme Court benches described the scheme in different registers. *Harpal Singh* called it a structured response of the State to economic calamity and cautioned against a narrow or mechanical reading of the rules; *Jayabal* repeated that it is a concession and not a right and held that a dependant who accepts the post applied for cannot later claim a higher one.[3]

1.1 Research Questions and Hypothesis

The paper asks what legal character the exception has, how it can be justified under Articles 14 and 16, where the case law is inconsistent, what implementation deficits exist, and what reforms would secure it. The hypothesis is that compassionate appointment is constitutionally defensible only as a narrowly tailored, scheme-based and time-bound welfare measure, and that its principal weakness lies less in the existence of the exception than in its administration and in unresolved tensions in the case law.

1.2 Methodology and Scope

The study is doctrinal. The primary sources are the Constitution, the Central Government's instructions, the Tamil Nadu Rules, 2023 with the 2025 amendment, and decisions of the

[2] *Sec'y, State of Karnataka v. Umadevi (3)*, (2006) 4 SCC 1.
[3] *Managing Dir., M.P. State Agric. Mktg. Bd. v. Harpal Singh*, 2025 INSC 1490; *Dir. of Town Panchayat v. M. Jayabal*, 2025 INSC 1423.

Supreme Court and the Madras High Court. The analysis is normative and not empirical: observations on delay and inconsistency are drawn from reported litigation and the structure of the schemes. The paper concerns employment under the State and its instrumentalities. It does not examine the interaction with reservation under Article 16(4) or survey High Court decisions exhaustively.

2. CONCEPT, ORIGIN AND LEGAL CHARACTER

2.1 Meaning and rationale

Compassionate appointment is the appointment of a dependant of a deceased or incapacitated public servant, outside the ordinary recruitment process, to relieve the family's immediate financial distress. *Umesh Kumar Nagpal* held that its object is to enable the family to tide over a sudden crisis, that death in service does not by itself entitle a family to a post, and that the authority must examine the family's financial condition and offer employment only if the family would otherwise be unable to meet the crisis.[4] *Sushma Gosain* had stressed immediacy and the creation of a supernumerary post where necessary, but the Court later held that it had been misread and does not justify appointment as a matter of course.[5] The scheme thus rests on three assumptions: sudden loss, genuine dependence and urgency. Each is also a limit. Where hardship does not follow, where the claimant is not dependent, or where the crisis has passed, the justification weakens.

2.2 The source of the claim

The legal basis for consideration is the applicable scheme, not the family relationship. Eligibility, the definition of dependant, financial criteria, time limits and procedure are fixed by policy or service rules. An authority cannot create an appointment power outside them, and a claimant cannot demand a particular post merely by showing eligibility.[6]

The Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023, framed under the proviso to Article 309, cover legal heirs of deceased and medically invalidated Government servants and cap compassionate appointees in a department, at any point of time, at five per cent of the sanctioned strength of its Group C posts. In *C. Arnold*, the

[4] *Umesh Kumar Nagpal v. State of Haryana*, (1994) 4 SCC 138.
[5] *Sushma Gosain v. Union of India*, (1989) 4 SCC 468; *Hindustan Aeronautics Ltd. v. A. Radhika Thirumalai*, (1996) 6 SCC 394.
[6] *Bhawani Prasad Sonkar v. Union of India*, (2011) 4 SCC 209; *V. Sivamurthy v. State of Andhra Pradesh*, (2008) 13 SCC 730.

Madras High Court read the Rules to permit an application on behalf of a minor, with appointment only after majority.[7] The 2025 amendment added a web portal, operational from 31 October 2025, so the position must be read from the original Rules and the amendment together.

2.3 A right to consideration, not a right to appointment

The claimant's position is best described as an expectation of lawful consideration. Once a scheme exists it must be administered consistently with Articles 14 and 16: the claimant can insist that the correct rules be applied, relevant material considered, discrimination avoided and reasons given, but cannot insist on appointment. This distinction runs through the cases and supplies the basis for the reconciliation in Part 5.5.

2.4 Death in harness and medical incapacitation

The classic case is death in service, but the central instructions and the Tamil Nadu Rules also cover employees retired or invalidated on medical grounds. The two situations are not legally identical, because the employee may continue to receive a pension or other benefits. The need requirement must therefore be applied with particular care, and a scheme that extends the benefit without assessing need is harder to justify under the test in Part 3.5.

3. CONSTITUTIONAL FRAMEWORK

3.1 Article 14: classification and arbitrariness

Article 14 permits reasonable classification based on an intelligible differentia with a rational nexus to the object of the law, and it prohibits arbitrariness, which the Supreme Court treats as the antithesis of equality.[8] Compassionate appointment classifies dependants of employees who die in service apart from other candidates. The differentia is a sudden loss within the employer's own service, the object is the prevention of destitution, and the nexus holds only so long as the benefit is tied to need. A scheme that offers appointment without assessing hardship operates as a preference for relatives of public servants. Article 14 also governs administration: in *V.R. Tripathi* the Court held that a policy could not exclude children of a second marriage whose legitimacy the law recognised.[9]

[7] *State of Tamil Nadu v. C. Arnold*, W.A.(MD) No. 479 of 2024 (Madras H.C. 2024).
[8] *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3; *Shayara Bano v. Union of India*, (2017) 9 SCC 1.
[9] *Union of India v. V.R. Tripathi*, (2019) 14 SCC 646.

3.2 Article 16: equality of opportunity and the descent objection

Article 16(1) guarantees equality of opportunity in public employment and Article 16(2) prohibits discrimination on grounds including descent. Together they make open access the rule, and *Umadevi* requires exceptions to be justified.[10] The strongest objection is that compassionate appointment works as a hereditary entitlement. The case law answers that the scheme rests not on descent but on death in service combined with need: the dependant is considered because the family faces a crisis, and not because the employee's status passes to the child. That answer is persuasive only when need is real. If need is presumed, if the claim can be made years later, or if the scheme becomes a standing queue for relatives, the distinction between a need-based benefit and a descent-based preference is hard to maintain.

3.3 Directive Principles and the welfare State

The Directive Principles are not enforceable but inform the assessment of State action. In *Harpal Singh* the Court invoked Article 39 and the welfare State in describing the scheme as a structured response to economic calamity and not as largesse.[11] These provisions justify some form of relief; they do not by themselves justify appointment to a public post as that relief, a point taken up in Part 5.3.

3.4 Who is bound: the reach of Article 12

Articles 14 and 16 bind "the State" as defined in Article 12. Much litigation arises against banks, insurers, public-sector undertakings and co-operative institutions, and whether an employer is "State" depends on the functional tests in *Ajay Hasia* and *Pradeep Kumar Biswas*, not on its label.[12] The analysis here applies directly only to such employers.

3.5 An analytical test

The constitutional defensibility of a scheme is assessed here under three questions. This is the author's analytical framework and not a test laid down by the courts. It combines the nexus requirement of Article 14 with the structure of proportionality review developed chiefly in cases under Articles 19 and 21.[13] Scholars caution that the Court's use of proportionality is not always rigorous (Chandrachud; Chandra). First, purpose: does the scheme pursue a legitimate

[10] *Umadevi (3)*, (2006) 4 SCC 1.
[11] *Harpal Singh*, 2025 INSC 1490.
[12] *Ajay Hasia v. Khalid Mujib Sehravardi*, (1981) 1 SCC 722; *Pradeep Kumar Biswas v. Indian Inst. of Chem. Biology*, (2002) 5 SCC 111.
[13] *Modern Dental Coll. & Rsch. Ctr. v. State of Madhya Pradesh*, (2016) 7 SCC 353; *K.S. Puttaswamy v. Union of India*, (2019) 1 SCC 1.

welfare objective, namely relief of immediate hardship following the loss of an employee? Secondly, nexus: is eligibility tied to that objective through a real assessment of need? Thirdly, minimal impairment: does the scheme limit its effect on open recruitment through caps, time limits and suitable posts, and is it a reasonable choice among the available means of relief?

4. JUDICIAL DEVELOPMENT

4.1 From promptness to restraint and the scheme

The early emphasis was on speed: *Sushma Gosain* said that delay should not occur. In the 1990s the Court moved towards restraint. *Umesh Kumar Nagpal* made need the governing consideration, and *Radhika Thirumalai* applied its caution that *Sushma Gosain* had been misread.[14] Later decisions anchored the doctrine in the scheme. *Raj Kumar* held that the claim is traceable only to the employer's scheme, that pending applications lapse when a scheme is abolished unless saved, and that the benefit is a concession and not a right. *Shashi Kumar* added that although no one has a right to such appointment, a dependant may apply where a policy exists and is entitled to consideration in accordance with its terms.[15] The doctrine thus carries two commitments that do not always align: help the family quickly, and help only where need is real.

4.2 Which scheme governs: the date of death or the date of consideration

The authorities do not agree on which version of a scheme applies when it changes between the employee's death and the decision. *Canara Bank v. M. Mahesh Kumar* held that the claim is decided under the scheme in force when it arose, not under a later scheme replacing appointment with ex gratia payment. *N.C. Santhosh* stated that the norms in force when the application is considered generally govern. *Promila* and *Amit Shrivas* held that the scheme in force on the date of death governs unless a later scheme is retrospective.[16] The positions can be partly reconciled by a distinction, offered here as the author's proposal, between the substantive claim and the machinery for deciding it. The right to be considered, the eligibility conditions and the form of relief should crystallise under the scheme in force at the

[14] *Sushma Gosain*, (1989) 4 SCC 468; *Umesh Kumar Nagpal*, (1994) 4 SCC 138; *Radhika Thirumalai*, (1996) 6 SCC 394.
[15] *State Bank of India v. Raj Kumar*, (2010) 11 SCC 661; *State of Himachal Pradesh v. Shashi Kumar*, (2019) 3 SCC 653.
[16] *Canara Bank v. M. Mahesh Kumar*, (2015) 7 SCC 412; *N.C. Santhosh v. State of Karnataka*, (2020) 7 SCC 617; *Indian Bank v. Promila*, (2020) 2 SCC 729; *State of Madhya Pradesh v. Amit Shrivas*, (2020) 10 SCC 496.

employee's death, when the family's expectation arises. Procedural matters such as the mode of application, the order of claims and the processing platform can follow the norms in force at the time of consideration.

4.3 Delay and the temporal limit

Delay cuts in two directions. In *Debabrata Tiwari* the Supreme Court said that State delay in deciding claims frustrates the scheme and that officials must act with the utmost immediacy, yet it allowed the State's appeals because the claimants approached the court seventeen or eighteen years after applying.[17] Delay is examined in Part 5.1.

4.4 Eligibility and non-discrimination

V.R. Tripathi established that eligibility rules are subject to Article 14. In *Asothai* a Division Bench of the Madras High Court held that denying appointment to a daughter because she was married violated Articles 14, 15 and 16, and, relying on *Balbir Kaur*, that family pension and ownership of a house did not bar the claim.[18]

4.5 The post offered and later claims

Two judgments of late 2025 define the position on later claims and must be read on their facts. In *Jayabal*, dependants appointed as sweepers later claimed appointment as Junior Assistants, and the Madras High Court allowed the claim. The Supreme Court set the orders aside, holding that the right to be considered was consummated when the dependants accepted the post applied for, that the claim could not be reopened for a higher post, and that parity with others wrongly benefited cannot be claimed because illegality is not to be perpetuated.[19]

In *Harpal Singh*, the claimant was appointed to Assistant Grade-III in August 2020 and terminated on 30 September 2024 for lacking the computer proficiency certification the post required. The Court held that he sought not a second compassionate appointment but consideration for a Class IV post for which the qualification was not required, and directed consideration within six weeks.[20]

IJLJ ISSN: 2583-2794

[17] *State of West Bengal v. Debabrata Tiwari*, 2023 INSC 202.
[18] *Joint Registrar/Managing Dir., Virudhunagar Dist. Cent. Coop. Bank Ltd. v. P. Asothai* (Madras H.C. 2017); *Balbir Kaur v. Steel Auth. of India Ltd.*, (2000) 6 SCC 493.
[19] *Jayabal*, 2025 INSC 1423.
[20] *Harpal Singh*, 2025 INSC 1490.

4.6 Judicial review

Judicial review is limited but real. Courts cannot direct appointments outside the scheme in force or substitute a scheme or add to its terms.[21] Courts do examine whether the authority applied the correct rules and acted fairly.

5. CRITICAL ANALYSIS

5.1 The immediacy paradox

Immediacy is the doctrinal core of the scheme, but the law applies it unevenly: the State is expected to act with speed, and claimants are penalised for slowness. *Debabrata Tiwari* shows the paradox in a single judgment, because the State's delay is condemned but not remedied while the claimant's delay is fatal.

Delay should therefore be separated into four situations: delay in making the application; delay by the authority in processing a complete application; delay in approaching a court after an adverse decision; and delay by the department in deciding a pending claim. The first and third weigh against the claimant, the second and fourth against the State, which should not rely on delay it has caused. Unexplained administrative delay does not create an entitlement to appointment; it is a ground for requiring a decision and reconsideration. In *S. Murugeshwari*, a petitioner whose father died in harness in 2009, when she was eight, applied after attaining majority, and the Madras High Court held that the three-year limit should not be applied rigidly.[22] A three-year limit sits uneasily with appointment only after majority.

5.2 Measuring need: the problem of proxies

Need is measured through proxies such as terminal benefits, family pension, the income of other family members, property and the number of dependants, and the cases do not say how much weight each deserves. *Umesh Kumar Nagpal* requires an examination of the family's financial condition, whereas *Balbir Kaur* held that a family benefit scheme was not a substitute for compassionate appointment, and *Asothai* applied that reasoning to family pension and house ownership.[23] The approaches lead to different results unless a scheme says which factors count and how much. Two families in identical circumstances may then be treated differently depending on how the same proxy is handled, which is the standard profile of arbitrariness under Article 14.

[21] *Life Ins. Corp. of India v. Asha Ramchandra Ambekar*, (1994) 2 SCC 718; *Promila*, (2020) 2 SCC 729.
[22] *S. Murugeshwari v. State of Tamil Nadu*, W.P.(MD) No. 4517 of 2025 (Madras H.C. Feb. 19, 2025).
[23] *Balbir Kaur*, (2000) 6 SCC 493; *Asothai* (Madras H.C. 2017).

5.3 Is appointment the least restrictive means?

The welfare objective could be pursued through a lump sum, enhanced family pension, group insurance or a combination. Courts have accepted that an employer may replace appointment with monetary relief, as in *Raj Kumar*, but the decisions reviewed do not ask, at the level of scheme design, whether the State has justified appointment against forms of relief that would affect equality less. It would become one if the scheme expanded, if need were presumed, or if appointment were the only relief offered. A capped, need-based scheme can be defended, but the State should supplement it with monetary relief, which would also mitigate the effects of delay.

5.4 Equality within the exception: eligibility and gender

Equality questions also arise among claimants. Dependence is a matter of fact, and presuming that a married daughter belongs to another household while a married son is not so treated rests on a stereotype and not on an assessment of need. *Asothai* is consistent with this and with the paper's test: eligibility conditions must be tested by their nexus with dependence and not by assumptions about family roles.

5.5 Two voices in 2025: reconciling Jayabal and Harpal Singh

The two decisions use different language. *Jayabal* repeats that the scheme is a concession and an exception; *Harpal Singh* says it is not a concession or largesse but a structured response to economic calamity, not to be read narrowly or mechanically. The reconciliation lies in the claims before the Court. An upward claim after relief has been accepted goes beyond the scheme's object, while a request for a post that meets the need, after the first was lost for a reason unconnected with the family's circumstances, stays within it.

The reconciliation of language is already available in *Shashi Kumar*: there is no right to compassionate appointment, but where a policy exists the dependant is entitled to consideration in accordance with its terms.[24] That is the sense in which the scheme is a concession, because no one has a right to appointment, and also a structured response, because the dependant has a right to fair consideration. The right to consideration is, however, only as durable as the scheme, since *Raj Kumar* allows an employer to abolish or change it. This is a further reason for placing schemes in statutory rules (Part 7.1).

[24] *Shashi Kumar*, (2019) 3 SCC 653.

5.6 The case for abolition and the case for retention

Critics urge abolition or replacement by compensation on three grounds: equality, because each appointment is a post not open to competition and the cumulative effect is entrants chosen by circumstance and not merit; efficiency, because appointees may lack the qualities the post requires; and fairness among families, because the benefit excludes equally needy families of private workers and of employees who die after retirement. Defenders reply that the State has a particular responsibility to the families of its own employees, and that cash, unlike employment, gives no continuing income. The selectivity objection applies to every employer-linked benefit, including pension and insurance, and so does not justify abolition. The equality objection is serious but is answered by a cap, a need test and a time limit. The case for retention thus depends on the safeguards recommended in Part 7.

5.7 Applying the test

On purpose, the scheme is legitimate, supported by the Directive Principles. On nexus, it is defensible only if need is genuinely assessed, eligibility is connected to dependence, and decisions are timely and reasoned; present practice often falls short. On minimal impairment, it is acceptable if appointments remain capped, confined to suitable posts and supplemented by other relief, but the decisions do not require the State to justify appointment against alternatives. Compassionate appointment is therefore constitutionally defensible in principle and vulnerable in administration.

6. IMPLEMENTATION CHALLENGES: TAMIL NADU AS AN ILLUSTRATION

6.1 Fragmented schemes and the Tamil Nadu framework

Schemes differ across departments, public-sector employers and States in eligible members, financial criteria and procedure. Variation is not unlawful, but unexplained variation creates uncertainty at a moment of bereavement and produces results that look arbitrary. In Tamil Nadu the 2023 Rules govern State service, and the Madras High Court has already interpreted them on minors and vacancies.

6.2 Delay and the vacancy bottleneck

Because appointments are limited to a share of posts, a family may wait for a vacancy; in Tamil Nadu the ceiling is five per cent of a department's sanctioned Group C strength. The Madras High Court has held that an application cannot be deferred or rejected merely for want

of a vacancy in one department and must be forwarded to a department where one exists. The 2025 portal can address part of the problem by pooling claims under a common order of priority. Its value depends on whether the order and its basis are published, whether applicants can see the stage of their file, and whether a deadline binds the authorities, since a list fixes order and not time. A portal does not provide interim relief to a waiting family, the gap addressed in Part 7.4.

6.3 Opaque assessment and unreasoned rejection

Financial criteria are often vague, and rejection orders sometimes state only that the applicant is ineligible, without the clause relied on or the evidence considered. Such orders leave the claimant unable to understand the decision, prevent a court from judging whether the authority applied its mind.

6.4 Preserving the integrity of regular recruitment

Post-appointment claims such as those in *Jayabal* show pressure on the scheme. The scheme needs a clear rule that the claim is exhausted on acceptance of the post applied for, subject to the limited *Harpal Singh* situation, where the first appointment has ended for want of a qualification and the claimant seeks a lower post and not a second compassionate appointment.

7. RECOMMENDATIONS FOR REFORM

The analysis supports nine recommendations, directed at the executive, the legislature and the judiciary.

7.1 Clear, binding and accessible schemes

The Union should issue a model framework, and States should adopt it through rules under the proviso to Article 309, stating and explaining any departures. Schemes and amendments should be published accessibly, and express transitional provisions should say which version governs which claims, consistently with the distinction in Part 4.2, so that pending claims are not defeated by change.

7.2 Statutory time limits and a transparent order of priority

Schemes should require acknowledgment within fifteen days, identification of missing documents within thirty days, and a reasoned decision within ninety days of a complete

application. A common order of priority, such as Tamil Nadu's portal, should be published with its basis, show applicants their position and the stage of their file, and record delay beyond the prescribed periods with reasons, subject to administrative review. A missed deadline should not itself create an entitlement to appointment.

7.3 A structured need assessment

The framework should specify the factors considered, such as dependants, per capita income, liabilities and terminal benefits. It should require the authority to explain how the evidence supports its conclusion, publish the method, and retain discretion to depart from it for stated reasons.

7.4 Complementary monetary relief

Governments should consider interim financial relief while an application is pending, and a lump-sum alternative where appointment cannot be made within a fixed period. This is a policy proposal and not a statement of an existing legal right, and it would need an appropriate legal and financial basis. It would reduce reliance on appointment as the sole remedy and answer the least-restrictive-means concern in Part 5.3, and it is workable, since banks such as Canara Bank have moved to ex gratia schemes.

7.5 Reasoned orders and internal review

Every decision should be a speaking order identifying the governing provision, the evidence considered and the reasons. An internal review should be available within sixty days for errors of fact, misapplication of the scheme or failure to consider relevant documents.

7.6 Inclusive, need-based eligibility

Eligibility conditions should be neutral as to sex and marital status and should include children of legally recognised marriages. Dependence should be established by evidence and not by presumptions about family roles.

7.7 Clear rules on alternative posts and later claims

Schemes should state when an applicant may be considered for a suitable alternative post, for example where the first appointment ended for want of a required qualification. This would preserve the distinction between consideration for an alternative post and an impermissible claim to a higher post after relief has been accepted.

7.8 A consistent judicial approach

Courts should adopt the formulation that the claimant has a right to fair and reasoned consideration but not to appointment, and should distinguish delay by the claimant from delay by the administration. Where an authority has acted arbitrarily or without reasons, the preferred remedy is a remand with a time-bound direction to decide and not a direction to appoint. If the language of the 2025 decisions or the conflict on the governing scheme persists, a larger bench should consolidate the principles.

7.9 Transparency and audit

Employers should publish annual, anonymised data on applications received, pending and decided, average time taken, rejections by ground and the share of posts used against the cap, with periodic audit and training for officials who handle these matters.

8. CONCLUSION

Compassionate appointment is a carefully limited intersection of public service law, administrative discretion and constitutional welfare. Articles 14 and 16 make open and equal access the general rule, and the exception is defensible only as a narrowly tailored response to exceptional hardship under a valid scheme. The Supreme Court has established that it is neither an inheritable nor a vested right, and equally that eligibility rules and administrative decisions remain subject to constitutional scrutiny.

The principal difficulties lie in the working of the scheme and in the unfinished state of the doctrine. The doctrine demands immediacy but tolerates State delay, measures need through inconsistent proxies and leaves the governing scheme unsettled. The two 2025 decisions are best read as addressing different claims: *Jayabal* closes the door on a higher post after relief has been accepted, and *Harpal Singh* keeps open consideration for a lower post where the first appointment ended for a reason unconnected with the family's circumstances. The workable reconciliation is that the claimant has no right to appointment but has a right to fair, reasoned and timely consideration.

The appropriate approach is neither mechanical rejection nor unrestricted appointment. A lawful scheme needs clear and uniform criteria, a transparent assessment of need, timely decisions and non-discrimination, and should be supplemented by monetary relief. With these changes, compassionate appointment can preserve its welfare purpose while maintaining the constitutional integrity of public recruitment.

BIBLIOGRAPHY

Books

1. D.D. Basu, *Introduction to the Constitution of India* (27th ed. 2024).
2. I.P. Massey, *Administrative Law* (10th ed. 2022).
3. H.M. Seervai, *Constitutional Law of India* (4th ed. 1991–1996).
4. M.P. Jain, *Indian Constitutional Law* (Jasti Chelameswar & Dama Seshadri Naidu eds., 8th ed. 2018).
5. M.P. Jain & S.N. Jain, *Principles of Administrative Law* (K. Kannan ed., 9th ed. 2021).

Journal Articles

1. Abhinav Chandrachud, *Wednesbury Reformulated: Proportionality and the Supreme Court of India*, 13 Oxford U. Commonwealth L.J. 191 (2013).
2. Aparna Chandra, *Proportionality in India: A Bridge to Nowhere?*, 3 U. Oxford Hum. Rts. Hub J. 55 (2020).
3. Dhruva Gandhi, *Locating Indirect Discrimination in India: A Case for Rigorous Review Under Article 14*, 13 NUJS L. Rev. 699 (2020).
4. Tarunabh Khaitan, *Beyond Reasonableness – A Rigorous Standard of Review for Article 15 Infringement*, 50 J. Indian L. Inst. 177 (2008).

— I J L J —
ISSN: 2583-2794