Polity & Governance · GS - II

“Eligibility for public employment does not create an automatic right to appointment.” Discuss this principle in the context of constitutional equality and administrative accountability.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 26/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Article 14, Article 16, sanctioned posts, recruitment rules, regularisation, public finance, administrative fairness, judicial review

Model Answer

Public employment in India is governed by constitutional principles of equality, fairness and transparency. Possessing the prescribed educational qualifications is necessary for eligibility, but it does not independently confer a right to appointment.

Constitutional Basis

1. **Article 14:** Requires the State to act fairly and prohibits arbitrary appointments or preferential treatment.
2. **Article 16:** Ensures equality of opportunity in public employment, requiring recruitment processes to follow legally prescribed procedures.
3. **Sanctioned posts:** Government appointments must be made against authorised vacancies within the approved organisational and financial structure.

Why Qualifications Alone Are Insufficient

1. **Absence of vacancy:** An eligible candidate cannot claim appointment where no sanctioned post exists.

2. **Recruitment integrity:** Allowing retrospective adjustments without following recruitment rules may disadvantage candidates who could have competed through an open selection process.
3. **Fiscal discipline:** Unauthorised appointments can create unplanned salary and pension liabilities.
4. **Administrative accountability:** Sanctioned staffing structures ensure that public expenditure and manpower deployment remain subject to institutional approval.

Limits on Executive Discretion

Regularisation cannot ordinarily be used to bypass constitutional recruitment requirements. The Supreme Court's jurisprudence, including *Secretary, State of Karnataka v. Umadevi (2006)*, distinguishes between irregular appointments and illegal appointments and rejects regularisation as a routine substitute for lawful recruitment.

However, governments must also ensure that recruitment policies are implemented fairly and that genuine vacancies are filled through transparent procedures.

Conclusion

The principle that qualifications do not automatically create an appointment right protects merit, equal opportunity and responsible public administration. At the same time, it places an obligation on the State to maintain transparent recruitment systems and avoid arbitrary employment practices.

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