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**B.A.LL.B.**

**FIVE YEARS INTEGRATED COURSE**

**(SEMESTER SCHEME)**



**REVISED SYLLABUS**

**APPLICABLE TO ALL BATCHES OF 2020-21,**

**2021-22, 2022-23 AND 2023-24**

**(TO BE TAUGHT IN 9<sup>TH</sup> SEMESTER)**

**B.A. LL.B. IX SEMESTER**

**PAPER NO. :9.4.**

**SERVICE LAWS**

**SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 36

This paper shall consist of following two parts:

- (a) Written paper — 70 marks
- (b) Internal examination — 30 marks (15+10+5)

Mid Semester Test: 15 marks Project/Assignment: 10 marks Presentation: 05 marks

The candidate must pass in part (a) and (b) separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 25 marks out of 70 and 11 marks out of 30 marks.

- (1) The question paper shall be divided into two (02) Parts viz. Part – A and Part – B.
- (2) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of seven (07) questions. The Candidate is required to attempt any four (04) questions. All questions carry equal marks.
- (3) The prescribed syllabus includes latest amendments in the subject wherever applicable

**INTRODUCTION:** In a modern welfare state, government functions have expanded significantly, engaging in social, economic and developmental activities for citizens well-being. Post-liberalization, the State's role has evolved to support modernization and sustainable growth. A strong administration is essential for efficient governance and Part XIV of the Constitution establishes public services and independent Public Service Commissions for appointments. Despite being one of India's largest employers, government jobs often lead to litigation. Service jurisprudence is a complex legal field that involves administrative and constitutional law, judicial precedents and various regulations. Lacking cohesive legislation, it relies on case laws. This subject explores the State's role as an employer and the principles of service jurisprudence, linking them to administrative efficiency, accountability and good governance.

**COURSE OBJECTIVES:**

- (a) To understand the legal framework of public services in India, including constitutional and administrative provisions.
- (b) To examine the State's role as an employer and the services provided at Union and State levels.
- (c) To apply legal principles to employment processes like selection, appointment, discipline, and dispute resolution.



- (d) To analyze judicial decisions shaping service law and their impact on governance, efficiency, and accountability.

### **LEARNING OUTCOMES:**

After completion of the course the students will be able to:

1. Demonstrate a comprehensive understanding of the service law framework and the State's role as an employer in a modern welfare state.
2. Apply legal principles to employment processes, including selection, appointment, and disciplinary proceedings.
3. Critically analyze judicial decisions and precedents, integrating administrative law, constitutional law, fundamental rights, and natural justice.
4. Connect service law principles to administrative efficiency, accountability, and good governance, emphasizing the role of a capable administration.

### **UNIT-I FOUNDATIONS OF SERVICE LAW**

- 1.1 Evolution, Concept, Need, and Significance of Services under the State;** Historical evolution and significance of public services, Role of the State in modern governance, Challenges in service matters today.
- 1.2 Application of Principles of Equality in Matters of Appointments:** Exposition of Article 14 and its application under Article 16 of the Constitution, Judicial interpretation and evolution of the principle of equality, Significance of equality in public appointments.
- 1.3 Administrative Arbitrariness, Formation of Services and Recruitment Conditions:** Concept of administrative arbitrariness in recruitment and service formation, Balancing equality and discretion in public employment, Judicial approach to regularization and temporary appointments.
- 1.4 Principle of Equal Pay for Equal Work:** Concept and legal framework of equal pay for equal work, Application to regular and temporary employees, Judicial recognition of the principle and its limitations.
- 1.5 Compassionate Appointment:** Legal basis and rationale behind compassionate appointments, Exceptions to the general rule of recruitment, judicially settled principles governing compassionate appointments.

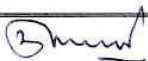


## **UNIT II: CONDITIONS OF SERVICE, RULE MAKING POWER, DOCTRINE OF PLEASURE & CONSTITUTIONAL SAFEGUARDS**

- 2.1 Conditions of Service and Rule-Making Power:** Overview of Article 309 and State authority in service matters, Definition and types of service conditions (pay, allowances, leave, promotion, retirement benefits), Judicial interpretations and impact on service conditions
- 2.2 Doctrine of Pleasure and Its Limitations:** Explanation of Article 310 and the concept of executive discretion, Legal limitations and safeguards against arbitrary action.
- 2.3 Constitutional Safeguards to Civil Servants:** Detailed study of Article 311 and its protections, Authority for dismissal/removal {Article 311(1)}, Rights, procedural safeguards and exceptions under Article 311(2).
- 2.4 Promotion:** Concept and legal framework governing promotions in public services, Methodologies and factors influencing promotion decisions, Notional promotion and its implications.
- 2.5 Probation and Confirmation:** Definition and importance of the probationary period in government service, Role of confirmation in formalizing employment status, Legal implications and judicial perspectives on probation and confirmation.

## **UNIT III ANNUAL PERFORMANCE APPRAISAL REPORT, SENIORITY AND DEPUTATION**

- 3.1 Annual Performance Appraisal Report (APAR):** Concept and significance of APAR in evaluating an officer's performance, Timeframe, reporting protocols and review mechanisms Fundamental principles governing the preparation and assessment of APAR.
- 3.2 Principle of Determination of Seniority:** Framework for determining seniority among direct recruits, promotees, and absorbees; Analysis of relevant regulations and legal precedents.
- 3.3 Quota Rota Rule:** Definition and purpose of the quota rota rule in service law, Impact of the rule on promotions, transfers and service benefits, Judicial interpretation and applicability in different service structures.



**3.4 Deputation: Lending and Borrowing of Government Services:** Concept and legal framework governing deputation in public service. Essential regulations and conditions for temporary relocation of employees

**3.5 Retirement:** Concept of compulsory retirement as a penalty and Voluntary Retirement Scheme (VRS), Judicial approach to compulsory retirement under Fundamental Rules 56(j)/(l) and CCS (Pension) Rules, 1972.

#### **UNIT-IV DISCIPLINARY ENQUIRY – SUSPENSION, REMEDIES AND PENALTIES**

**4.1 Suspension and Subsistence Allowance:** Concept and legal framework of suspension in service law. Purpose, implications, and procedural safeguards under CCS (CCA) Rules, 1965, Judicial interpretations on suspension as an exception, not a rule (rule related to Government of Rajasthan).

**4.2** The Principles of Natural Justice.

**4.3 Penalties:** Classification of penalties under Rule 11 of the CCS (CCA) Rules, 1965. **Minor and Major Penalties:** Analysis of minor penalties {Rule 11(i) to (iv)} and major penalties {Rule 11(v) to (viii)}.

**4.4 Administrative Tribunals:** The Rajasthan Civil Services (Service Matters Appellate Tribunals) Act, 1976;

**4.5 Constitutional Remedies:** Constitutional provisions and Judicial decisions.

#### **UNIT-V DISCIPLINARY ENQUIRY -PROCEDURE**

**5.1 Procedure to Conduct Disciplinary Enquiry:** Stages of disciplinary enquiry under Rule 12 of the CCS (CCA) Rules, 1965, Procedural safeguards for fairness in enquiry proceedings, Judicial pronouncements on disciplinary proceedings and due process.

**5.2 Charge Sheet, Role of Presenting Officer, Inspection and Supply of Documents, Production of Evidence:** Importance of a well-drafted charge sheet in disciplinary proceedings; Duties and responsibilities of the presenting officer in conducting the enquiry Rules governing document inspection, disclosure and production of evidence.





**5.3 Cross-Examination, and Examination-in-Chief:** Techniques and Legal Principles of Cross-Examination & Examination-In-Chief.

**5.4 Writing and Submission of Inquiry Report, Opportunity of Hearing on Findings,** Essentials of drafting and submitting an inquiry report in disciplinary proceedings  
Right to a fair hearing on findings before imposing penalties

**5.5 Action on Inquiry Report and Competent Authorities:** Role of competent authorities in accepting, modifying, or rejecting enquiry findings; Judicial interpretations on procedural fairness in the final stage of disciplinary proceedings.

**Suggested Readings:**

1. Anurag Bhaskar, *Reservation as a Fundamental Right: Interpretation of Article 16(4)*, 10 Indian J. Const. L. 1 (2023).
2. Tirlok Nath Arora, *Dying in Harness: Law of Compassionate Appointments*, JILI 38-57 (1996).
3. Aparna Singh, *Jarnail Singh v. Lachhmi Narain Gupta: The Case that Muddles the Law on Reservation in Promotions*, 8(2) NLIU LR 314 (2019).
4. Satinder Mohan Mehta, *Legal Status of Probationers in Government Service*, 16(1) JILI 109-117 (1974).
5. S. K. Singh, *Once on Probation Always on Probation: A Critique of Kedar Nath v. State of Punjab*, 15(4) JILI 600-607 (1973).
6. The Constitution of India
7. CCS (CCA) Rules, 1965
8. The Administrative Tribunals Act, 1985
9. The Rajasthan Civil Services (Service Matters Appellate Tribunals) Act, 1976

