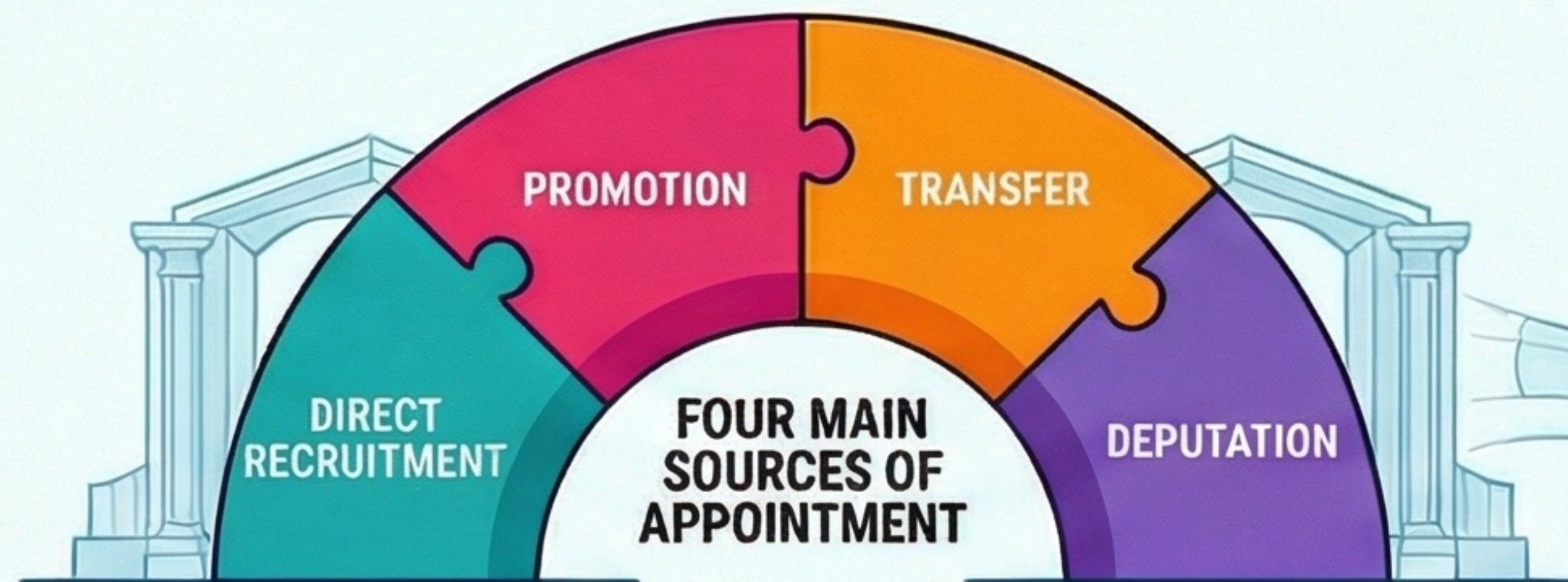


THE FOUNDATIONS OF APPOINTMENT



NO ABSOLUTE RIGHT TO APPOINTMENT

Candidate has a right to be considered, but not a legal right to be appointed, even after clearing examinations.



A VACANCY IS NON-NEGOTIABLE

An appointment cannot be made unless a regular vacancy exists, meaning a post sanctioned by a competent authority within the cadre strength.



THE POWER TO FILL A VACANCY IS DISCRETIONARY

Government retains policy-level decision to fill a vacancy, not subject to judicial interference unless arbitrary or unconstitutional.



CONSULTATION IS OFTEN A PRECONDITION

Where roles require consultation with bodies like PEG or High Court, it is a necessary precondition.



APPOINTMENTS BY AN INCOMPETENT AUTHORITY ARE INVALID

Appointment made by incompetent authority is a nullity and cannot be validated later by reification.



INDEPENDENT APPLICATION OF MIND IS CRUCIAL

Appointing authority cannot act mechanically; must apply its own independent mind when making an appointment.



WHO IS THE APPOINTING AUTHORITY?

Authority empowered by relevant statutes or rules to make appointments to a specific service, grade, or post.

THE ANATOMY OF A PUBLIC SERVICE APPOINTMENT: A LEGAL GUIDE

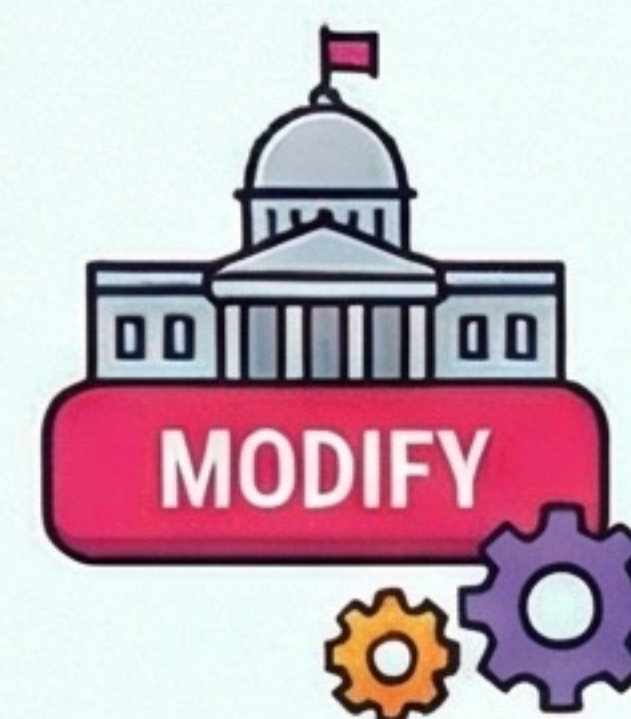
THE LEGAL CHARACTER OF THE ROLE



CONTRACT (OFFER & ACCEPTANCE)



STATUS (PUBLIC LAW RIGHTS & DUTIES)



GOVERNMENT CAN UNILATERALLY ALTER TERMS

Government can unilaterally change terms of service (e.g., emoluments, retirement age) through statutes or rules.



THE "PLEASURE DOCTRINE"

Government servant holds office "during the pleasure" of the President or Governor; services can be terminated at will (as per Article 310 of the Constitution).



CONSTITUTIONAL SAFEGUARDS LIMIT THE "PLEASURE DOCTRINE"

Doctrine is not absolute; subject to express constitutional restrictions (Article 311), providing procedural safeguards against arbitrary dismissal or removal.

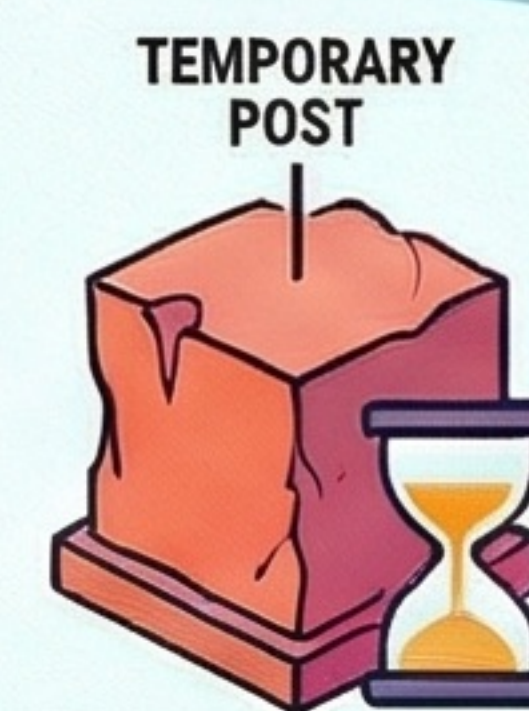
THE APPOINTING AUTHORITY & ITS RESPONSIBILITIES

TYPES OF APPOINTMENTS & THEIR TENURE



PERMANENT VS. TEMPORARY POSTS

Permanent post: Sanctioned without time limit, conferring a substantive right ("lien").



TEMPORARY POST

Temporary post: Sanctioned for a limited duration.



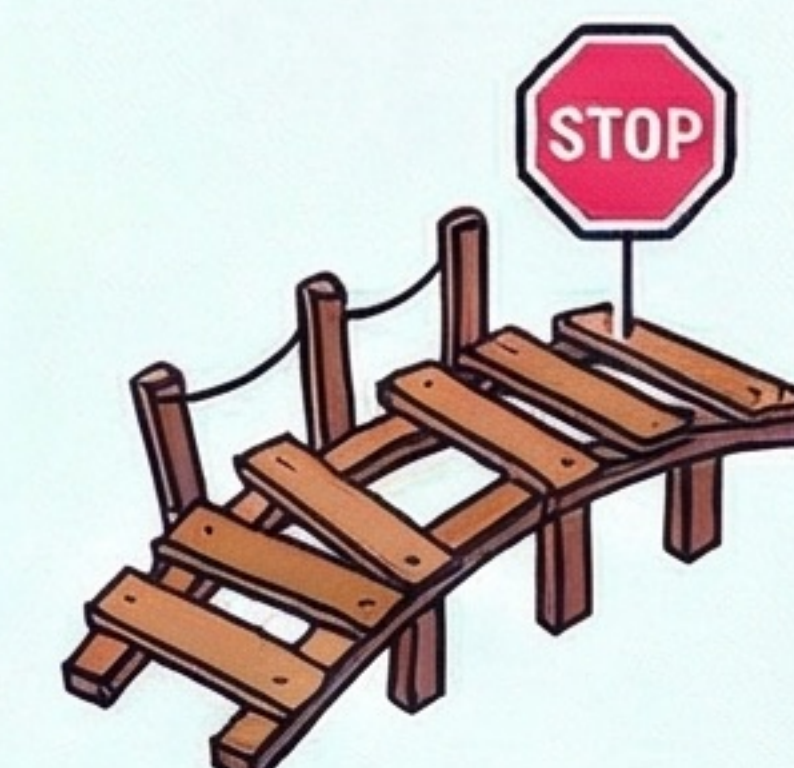
TENURE POST

Permanent post held for a limited period; ends on completion of the term; no superannuation.



OFFICIATING APPOINTMENT

Employee appointed to a higher rank temporarily while retaining lien on their substantive post.



AD HOC APPOINTMENT

Stop-gap, fortuitous, or temporary appointment for a purpose; does not confer a right to the post.