

## Preface

The concept of public employment unlike right to property is socialistic. It falls within the Preamble to the Constitution which states as: 'WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC'. Similarly, the Preamble mentions the objective to be achieved, namely, justice, social, economic and political. A person in public employment is endowed with a status not merely subjecting him to liabilities and obligation but also protecting him against any arbitrary, unreasonable and unequal treatment.

Adherence to the rule of equality in public employment is a basic feature of our Constitution. Service jurisprudence evolved by the Supreme Court from time to time postulates that all persons similarly situated should be treated similarly. All life, including administrative life, involves experiment, trial and error, but within the leading strings of fundamental rights, and, absent unconstitutional 'excesses', judicial correction is not right. Under Article 32, the Supreme Court is the constitutional sentinel, not the national ombudsman. Last fifty nine years are evidence of the fact that the Supreme Court of India has done painstaking work to develop this branch of law.

Inasmuch as public employment always gave a certain status and power 'it has always been the repository of State power' Besides the means of livelihood, special care was taken to declare equality of opportunity in the matter of public employment by Article 16. The significance attached by the Founding Fathers to the right to equality is evident not only from the fact that they employed both the expressions 'equality before the law' and 'equal protection of the laws' in Article 14 but proceeded further to state the same rule in positive and affirmative terms in Articles 15 to 18. The Constitution of India does not envisage any employment outside the constitutional scheme and without following the requirements set down therein. The States have made Acts, Rules or Regulations for implementing the above constitutional guarantees and any recruitment to the service in the State or in the Union is governed by such Acts, rules and regulations.

The present work is the outcome of the meticulous research and analysis for almost three years of the thousand of cases decided by the Supreme Court of India. It was but natural that I had to do it at the cost of my practice. The approach of the book is subject-wise. Copious heading and sub-heading will provide immense help to search the relevant topic.

My entire family has supported and inspired me to complete the task. My father has been my source of inspiration. It was he who prompted me to take up writing work in the field of law. The blessings of my mother are wealth for me.

My sincere thanks to my colleagues and the senior members of the Bar at Rajasthan High Court, Jodhpur for their valuable guidance and suggestions. My wife, Kiran Soni, has taken equal pain and encouraged me to complete this mammoth work while caring my small kids Aditya and Anirudh.

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A-118, Shastri Nagar,

Jodhpur (Raj.).

e-mail: [adityaashok@hotmail.com](mailto:adityaashok@hotmail.com)

**DR. Ashok Soni**