NOTES

Doctrine of Legitimate Expectation: Administrative Law

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Administrative law questions in CLAT PG frequently test the doctrine of legitimate expectation, since it sits at the intersection of natural justice, Article 14, and judicial review of executive action. Aspirants often lose marks not because they don't know the doctrine exists, but because they cannot distinguish its procedural and substantive forms or recall the exact facts of the leading judgments.

This article builds that precision. It traces the doctrine's Indian origin, its constitutional anchoring, its landmark case law, and its most recent Supreme Court application, so that you can answer both conceptual and case-based questions with confidence.

What Is the Doctrine of Legitimate Expectation?

The doctrine of legitimate expectation protects a person's reasonable expectation of a benefit or a fair procedure, where that expectation arises from an express promise by a public authority or from a consistent past practice. It does not create an enforceable legal right in the strict sense. Instead, it obliges the authority to act fairly, and it opens the door to judicial review if the authority departs from the expectation arbitrarily.

The doctrine occupies a middle ground. As one commentary puts it, a legitimate expectation lies somewhere between having no legal claim and having a legal right, and while it does not confer enforceable private rights, it plays a crucial role in determining fairness in administrative actions.

For CLAT PG, remember this formulation precisely: legitimate expectation is a ground of judicial review, not an independent cause of action for compensation or specific performance.

Constitutional Foundation: Article 14 and Non-Arbitrariness

The doctrine has no express textual basis in the Constitution of India or in any statute; it developed entirely through judicial interpretation, first in England and then in India. Though not

expressly mentioned in the Indian Constitution or any statute, the doctrine has evolved through judicial interpretation.

Its Indian anchor is Article 14, the equality clause. Courts read Article 14 to reach not just discriminatory legislation but arbitrary state action as well. Article 14 of the Indian Constitution can be enforced not only in cases of arbitrary "class legislation," but also in cases of arbitrary "state action," and the doctrine is accordingly treated as a fine principle of administrative jurisprudence for reconciling power with liberty.

This link matters for application-based questions: if a fact pattern shows a public authority reneging on a representation without a rational reason, the answer options will usually test whether you connect the breach to Article 14 non-arbitrariness rather than to Article 19 or Article 21.

Origin in Indian Law: State of Kerala v. K.G. Madhavan Pillai

The doctrine's first substantial discussion in India came in **State of Kerala v. K.G. Madhavan Pillai**, (1988) Supp 3 SCR 94 (decided 1988). The State had sanctioned a school to be opened and upgraded, and then issued a second order suspending that sanction without a hearing. The Supreme Court held that the sanction order created legitimate expectations in the respondents, which was violated by the second order since it was passed without following the principles of natural justice, and that this was sufficient to vitiate the administrative order.

The case establishes a core principle: even where no vested right exists, a prior sanction generates a legitimate expectation that cannot be withdrawn without following a fair procedure.

Food Corporation of India v. Kamdhenu Cattle Feed Industries

Food Corporation of India v. Kamdhenu Cattle Feed Industries, (1993) 1 SCC 71 (decided 3 November 1992), is the case CLAT PG aspirants must know cold, because it defines the doctrine's operative content.

The Corporation invited tenders for damaged foodgrains; Kamdhenu's bid was the highest, but the Corporation invited all bidders to negotiate a better price instead of accepting it outright. The Supreme Court rejected Kamdhenu's claim to an automatic award, while still using the case to define legitimate expectation as a facet of fairness. The Court explained that Article 14 requires

fairness in state action and the adoption of a process that is "fair play in action," and that due observance of this obligation raises in every citizen a legitimate expectation of fair treatment in dealings with the State and its agencies, this being a necessary component of good administration.

Navjyoti Co-operative Group Housing Society v. Union of India

Navjyoti Co-operative Group Housing Society v. Union of India, (1992) 4 SCC 477 (decided 17 September 1992), applies the doctrine to a change in allotment policy. Priority in land allotment to housing societies had always been fixed by date of registration; a new memorandum shifted this to a different criterion. The Supreme Court held that once a consistent policy is followed by an authority, individuals affected by it acquire a legitimate expectation that the policy will not be changed arbitrarily, without notice or an opportunity to be heard.

This case is important for distinguishing consistent-practice-based expectation from promise-based expectation (as in Kamdhenu and Madhavan Pillai). Aspirants should note both sources can independently generate a legitimate expectation.

Union of India v. Hindustan Development Corporation: Scope and Limits

Union of India v. Hindustan Development Corporation, (1993) 3 SCC 499 (decided 15 April 1993), is the leading authority on the doctrine's outer limits. Railways had invited tenders for cast-steel bogies; three large manufacturers quoted an identical, and suspiciously low, lowest price, prompting the Railway Board to adopt a "dual pricing" policy that offered them a lower post-tender price while offering the standard price to other bidders. The manufacturers challenged this as a denial of their legitimate expectation to be treated on par.

The Court upheld the Railway Board's action, holding that legitimate expectation does not create an enforceable right to a particular outcome. Legitimate expectation does not produce a fairly enforceable right; it simply entitles an individual to fair consideration before a decision affecting that expectation is taken. The Court also clarified that the doctrine must yield to a rational, non-arbitrary public interest justification, here the need to break up a suspected cartel. Jus Corpus

CLAT PG angle: this judgment is frequently used to test the distinction between legitimate expectation and a vested right, and to test whether students can identify when overriding public interest defeats the doctrine.

Procedural and Substantive Legitimate Expectation

CLAT PG examiners test this classification directly, so state it precisely:

- **Procedural legitimate expectation** arises where a person expects to be heard, consulted, or given notice before an adverse decision is made. This is the more settled and widely enforced form in India.
- **Substantive legitimate expectation** arises where a person expects an actual benefit, such as continuation of a subsidy, renewal of a licence, or completion of a promised appointment. Indian courts are cautious while recognising substantive legitimate expectation, especially when it conflicts with public interest.

Punjab Communications Ltd. v. Union of India: The Wednesbury Standard

Punjab Communications Ltd. v. Union of India, (1999) 4 SCC 727 (decided 4 May 1999), fixed the standard of review for substantive legitimate expectation claims. Justice M. Jagannadha Rao held that where a policy change defeats a substantive legitimate expectation, courts test the change against Wednesbury unreasonableness rather than the stricter proportionality standard used in later English cases. The judgment holds that the decision-maker can normally be compelled to honour a representation based on past practice, unless an overriding public interest justifies departure, and that courts may only ask whether the change is irrational or perverse, not substitute their own policy preference.

This is a frequently tested distinction: Indian courts apply the deferential Wednesbury test, not the more searching proportionality test that English courts have since adopted in cases like Coughlan and Nadarajah.

Sethi Auto Service Station v. Delhi Development Authority: The "Golden Thread" Test

In **Sethi Auto Service Station v. Delhi Development Authority**, (2009) 1 SCC 180 (decided 2008), the Supreme Court synthesised the preceding case law into a working test, describing a "golden thread" running through the precedents: for a legitimate expectation to arise, there must be an express promise, or a regular and consistent past practice, that a reasonable person would

rely upon, and the expectation must not conflict with a statute or an overriding public interest.

This synthesis is useful as an answer template for application-based questions: check for (1) a clear representation or consistent practice, (2) reasonableness of reliance, and (3) absence of a superseding public interest or statutory bar.

Recent Development: State of Uttar Pradesh v. Bhawana Mishra (2026)

In **State of Uttar Pradesh v. Bhawana Mishra**, (decided January 2026), the Supreme Court revisited the doctrine in the context of public employment. Trainees who had completed a government-recognised Ayurvedic nursing course claimed an automatic right to appointment as Ayurvedic Staff Nurses, based on the fact that earlier batches from the same institution had routinely been appointed.

The Court rejected the claim, holding that legitimate expectation cannot override a valid statutory recruitment framework. It noted that recruitment now fell under the Uttar Pradesh Ayush Department (Ayurved) Nursing Service Rules, 2021, which required selection through a statutory commission, and that respondents could not show that similarly-situated candidates admitted after the 2011 policy change had received direct appointments. The Court relied on **Sivanandan C.T. v. High Court of Kerala**, (2023) INSC 709.

This is a good example to cite for a "recent development" question, since it reaffirms a settled principle: legitimate expectation cannot be used to bypass constitutional or statutory recruitment requirements, however consistent the past practice.

Distinguishing Legitimate Expectation from Promissory Estoppel

CLAT PG frequently pairs this doctrine with promissory estoppel in comparative questions. The key distinctions:

LEGITIMATE EXPECTATION vs PROMISSORY ESTOPPEL

Two doctrines. Similar aim. Different foundations.



Aspect	Legitimate Expectation	Promissory Estoppel
Nature	Public law doctrine, ground of judicial review.	Equitable doctrine, can operate in both public and private law.
Requires detriment	Not necessarily.	Generally requires the promisee to have altered position to their detriment.
Remedy	Usually a fair hearing before the decision is reversed.	Can, in some circumstances, hold the promisor to the promise itself.
Source	Express promise or consistent past practice.	Express or implied promise.