

Expectation: A Judicially Evolved Principle in Indian Administrative Law

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ABSTRACT

The Doctrine of Legitimate Expectation is a significant development in Indian administrative law, aimed at ensuring fairness, transparency, and non-arbitrariness in public decision-making. Though it does not confer a legal right, the doctrine protects individuals from abrupt changes in established policies or practices, especially when reliance has been placed on consistent administrative conduct. Rooted in Article 14 of the Constitution of India, it serves as a judicial check on discretionary power and promotes good governance. This paper traces its evolution from English law, examines key Indian judgments, distinguishes it from related concepts like promissory estoppel, and explores its procedural and substantive aspects. A comparative analysis with jurisdictions such as the United Kingdom (UK), Canada, and Australia further highlights its global relevance and adaptability. Ultimately, the doctrine strengthens rule of law and trust in public administration, while providing a framework to challenge administrative arbitrariness and uphold citizen-centric governance principles in modern democratic states.

Keywords: Legitimate Expectation, Administrative Law, Article 14, Natural Justice, Judicial Review, Comparative Law.

INTRODUCTION

In Indian Administrative Law, judicial review of administrative action⁵⁷ is part of the basic structure of the Indian Constitution. By the 1990s, the Indian courts incorporated the doctrine of legitimate expectation in the context of procedural fairness and non-arbitrariness under Article 14⁵⁸ of the Constitution.⁵⁹ Therefore, the doctrine of legitimate expectation is assimilated into the doctrine of the Rule of Law. A person may have a legitimate expectation of being treated in a certain way by an administrative authority even though he/she has no legal

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⁵⁷ Legal Maxims, REST THE CASE (last visited July 27, 2025), <https://restthecase.com/hi/knowledge-bank/legal-maxims>.

⁵⁸ INDIA CONST. art. 14.

⁵⁹ Sivanandan C.T. v. High Court of Kerala, (2024) 3 SCC 799.

right in private law to receive such treatment.⁶⁰ The expression “legitimate expectation” does not convey a tangible right. Instead, it is a mere expectation of fair and reasonable treatment, and the legitimacy of that expectation would strictly depend upon the facts and circumstances of a case, particularly on whether or not the absence of a procedural step had led to failure of fairness.⁶¹ The term legitimate expectation was given by Lord Denning in 1969 in *Schmidt v. Secretary of State for Home Affairs*⁶². Since then, it has gained a remarkable position in public law in every jurisdiction. In the leading case of *Attorney General of Hong Kong v. Ng Yuen Shiu*⁶³, Lord Fraser stated: When a public authority has promised to follow a certain procedure, it is in the interest of good administration that it should act fairly and should implement its promise, so long as the implementation does not interfere with its statutory duty.

The conditions to invoke the doctrine of legitimate expectations are as follows:

- The expectation must be *reasonable* and *legitimate*.
- It should stem from a clear, consistent, and unequivocal representation by a public authority.⁶⁴
- The individual should have relied on the promise or practice to their detriment or in shaping their actions.
- There must be no overriding public interest that justifies the departure from the expectation.

The doctrine has both procedural as well as substantive aspects. The doctrine’s procedural aspect refers to the procedure that has been followed by the authorities, and it remains consistent for everyone whereas substantive legitimate expectation refers to the situation in which the applicant seeks a particular benefit or commodity.⁶⁵ The claim to such a benefit is based on the governmental action that justifies the existence of a relevant expectation.⁶⁶

Administrative action is subject to control by judicial review under three heads:

⁶⁰ JUSTICE C.K. THAKKER (TAKWANI) AND MRS. M.C. THAKKER, LECTURES ON ADMINISTRATIVE LAW 337 (Eastern Book Company, Lucknow, 5th ed., 2012).

⁶¹ *Rajeev Suri v. DDA*, (2022) 11 SCC 1.

⁶² *Schmidt v Secretary of State for Home Affairs*, (1969) 1 ALL ER 904 (CA).

⁶³ *A-G of Hong Kong v. Ng Yuen Shiu*, [1983] 2 AC 629.

⁶⁴ *M/s K.B. Tea Product Pvt. Ltd. & Anr. v. Commercial Tax Officer, Siliguri & Ors.*, Civil Appeal No. 2297 of 2011 (Supreme Court of India, May 12, 2023).

⁶⁵ *Foram R. Patel & Rishin Patel, The Doctrine of Legitimate Expectation: From Development in England to Indian Scenario*, ILI LAW REV., Winter Issue 2021, 138 (2021).

⁶⁶ CRAIG, ADMINISTRATIVE LAW 647 (Sweet & Maxwell, London, 4th ed., 2008)

- i. illegality, where the decision-making authority has been guilty of an error of law e.g. by purporting to exercise a power which it does not possess.
- ii. irrationality, where the decision-making authority has acted so unreasonably that no reasonable authority would have made the decision;
- iii. procedural impropriety, where the decision-making authority has failed in its duty to act fairly⁶⁷

EVOLUTION OF ADMINISTRATIVE LAW IN INDIA

The doctrine of legitimate expectation has steadily emerged as a significant principle in Indian administrative law, closely following the developments in English common law.⁶⁸ Initially recognized by English courts as a means to ensure fairness in administrative action, the doctrine was soon adopted by Indian courts, particularly through judicial creativity and constitutional interpretation. It serves as an important tool to curb arbitrary administrative decisions, especially when public authorities deviate from consistent practices or policies without valid justification. In India, this doctrine was first applied in the case of *State of Kerala v. K.G. Madhavan Pillai*⁶⁹ wherein the Hon'ble Supreme Court held that a plaintiff has a right to sue for breach of contract. In this case, the respondents were given permission to open a new aided school and improve the current ones, but that permission was put on hold 15 days later by an order. The Respondents filed an appeal against this order on the grounds that it violated their rights to due process of law. The Supreme Court concluded that the Respondents had a legitimate expectation of protection under the sanction, and that the second order was contrary to natural justice.⁷⁰ In *Navjyoti Coop. Group Housing Society v. Union of India*⁷¹, as per the policy of the government, allotment of land to the housing society was to be given on the basis of "first come, first served". It was held that the societies that had applied earlier could invoke the doctrine of "legitimate expectation". In *J.P. Bansal v. State of Rajasthan*, B was appointed as Chairman of the Taxation Tribunal temporarily till the regular Chairman was appointed.

⁶⁷ CCSD v. Minister for the Civil Service, (1984) 3 AILER 935.

⁶⁸ Nikita Bhasin, *Understanding the Doctrine of Legitimate Expectations: Legal Principles and Practical Implications*, LEGAL SERVICE INDIA (2024), <https://www.legalserviceindia.com/legal/article/article-13833-understanding-the-doctrine-of-legitimate-expectations-legal-principles-and-practical-implications.html>.

⁶⁹ State of Kerala v. K.G. Madhavan Pillai, [1988] 4 SCC 669.

⁷⁰ Manoj Nahata, *DOCTRINE OF LEGIMATE EXPECTATION – MEANING, CONCEPT & ITS APPLICATION*, CAMNA (May 12, 2021), <https://camna.in/2021/05/12/doctrine-of-legitimate-expectation-meaning-concept-its-application/>.

⁷¹ Navjyoti Co-Group Housing Society vs Union Of India And Others, (1992) 4 SCC 477.

Meanwhile, however, the State abolished the Tribunal. B claimed rupees 5,00,000 with 15 per cent interest as compensation. He pleaded the doctrine of legitimate expectation. Dismissing the petition, the court held that the appointment of B was purely contractual and the doctrine of legitimate expectation had no application. Hence, he was not liable for compensation.

DOCTRINE OF LEGITIMATE EXPECTATION VIS-À-VIS PROMISSORY ESTOPPEL

Promissory estoppel is a legal doctrine that prevents a party from going back on a promise, even without a formal contract, if the other party reasonably relied on that promise to their detriment. Under English Law, the doctrine of promissory estoppel has developed in parallel to the doctrine of legitimate expectations. The doctrine of legitimate expectation was initially developed in the context of public law as an analogy to the doctrine of promissory estoppel found in private law. However, since then, English Law has distinguished between the doctrines of promissory estoppel and legitimate expectation as distinct remedies under private law and public law, respectively. The doctrine of legitimate expectations is founded on the principles of fairness in government dealings. It comes into play if a public body leads an individual to believe that they will be a recipient of a substantive benefit. Another difference between the doctrines of promissory estoppel and legitimate expectation under English Law is that the latter can constitute a cause of action. The scope of the doctrine of legitimate expectation is wider than promissory estoppel because it not only takes into consideration a promise made by a public body but also official practice, as well. Under the doctrine of promissory estoppel, there may be a requirement to show a detriment suffered by a party due to the reliance placed on the promise. Although, typically it is sufficient to show that the promisee has altered its position by placing reliance on the promise, the fact that no prejudice has been caused to the promisee may be relevant to hold that it would not be “inequitable” for the promisor to go back on their promise. However, no such requirement is present under the doctrine of legitimate expectation. Further, while the basis of the doctrine of promissory estoppel in private law is a promise made between two parties, the basis of the doctrine of legitimate expectation in public law is premised on the principles of fairness and non-arbitrariness surrounding the conduct of public authorities. In *Monnet Ispat and Energy Ltd. vs Union of India*⁷², Justice H L Gokhale highlighted the different considerations that underline

⁷² *Monnet Ispat & Energy Ltd. v. Union of India*, (2012) 11 SCC 1.

the doctrines of promissory estoppel and legitimate expectation.⁷³ He said: “for the application of the doctrine of promissory estoppel, there has to be a promise, based on which the promisee has acted to its prejudice. In contrast, while applying the doctrine of legitimate expectation, the primary considerations are reasonableness and fairness of the State action.”

DOCTRINE OF LEGITIMATE EXPECTATION AND ARTICLE 14

The intersection between Article 14 of the Indian Constitution and the Doctrine of Legitimate Expectation⁷⁴ lies in their shared objective of ensuring fairness, non-arbitrariness, and equality in administrative action. Article 14 guarantees equality before the law and equal protection of laws, acting as a safeguard against arbitrary or discriminatory state action. It mandates that any administrative decision must be based on reason and not be capricious or unjust. The Doctrine of Legitimate Expectation,⁷⁵ on the other hand, is a principle of administrative law that protects the expectation an individual may reasonably have from a public authority, based on consistent past practice, official promises, or established procedures. While it does not confer a legal right, it serves as a judicial tool to ensure that the administration does not act unfairly or change its policies abruptly without justification. The link between the two lies in the fact that courts often use Article 14 as the constitutional foundation to give enforceability to legitimate expectations. If an administrative authority defeats a legitimate expectation arbitrarily, without following due process or providing valid reasons, such action may be struck down as violative of Article 14. In this way, legitimate expectation acts as a test to determine whether state action conforms to the principles of equality and non-arbitrariness. In *Food Corporation of India v. Kamdhenu Cattle Feed Industries*,⁷⁶ (1993), Verma J. (as he then was) pointed out that non-arbitrariness in State action is a significant facet of Article 14. Failure to consider the legitimate expectations of persons likely to be affected by any decision taken by a public authority may be exposed to challenge on the grounds of arbitrariness. The rule of law does not eliminate the discretion in the exercise of power but provides for its control through judicial review. At the same time, a mere claim of legitimate expectation cannot by itself give rise to distinct enforceable rights, but the failure to give due weightage to it under the facts of a case may render it arbitrary. Thus,

⁷³ Editor5, SC allows electricity Rebate declared by State but not notified, TAXGURU (Dec. 5, 2020), <https://taxguru.in/corporate-law/sc-allows-electricity-rebate-declared-state-not-notified.html?amp/>.

⁷⁴ Aayushi Mitra, *Doctrine Of Legitimate Expectation In India*, LAW CORNER (last visited July 27, 2025), <https://lawcorner.in/doctrine-of-legitimate-expectation-in-india/>.

⁷⁵ Colin M. Brown & Fay Faraday, *Legitimate Expectations in the Common Law World* (Hart Publishing 2017), <https://ebin.pub/legitimate-expectations-in-the-common-law-world-9781849467780-9781509909513-9781509909490.html> (last visited July 27, 2025).

⁷⁶ *Food Corporation of India v. Kamdhenu Cattle Feed Industries*, (1993) 1 SCC 71.

the requirement of due consideration of legitimate expectation forms part of the principle of non-arbitrariness which is a necessary concomitant of the rule of law. The link between legitimate expectation, non-arbitrariness and Article 14 was once again emphasized in *NOIDA Entrepreneurs Association v. NOIDA*⁷⁷. It was held that an authority that had a legal obligation to exercise powers reasonably and in good faith would contradict the principles of legitimate expectation if decisions were taken arbitrarily.⁷⁸ The expression 'good faith' must mean having legitimate reasons.

DOCTRINE OF LEGITIMATE EXPECTATION AND NATURAL JUSTICE

Fairness, procedural integrity, and equitable treatment form the very foundation of our democratic legal order. These principles are not mere abstract ideals but are essential components of the rule of law, ensuring that public power is exercised in a reasonable, transparent, and accountable manner.⁷⁹ The Doctrine of Legitimate Expectation emerges from these very principles, acting as a safeguard against arbitrariness and unpredictability in administrative actions.

The doctrine comes into play when the State or a public authority, through a consistent past practice, an express promise, public notification, or policy declaration, induces a reasonable belief in the minds of individuals that a certain course of action will be followed.⁸⁰ Based on this belief, individuals may make personal, financial, or legal decisions, organize their affairs, or alter their conduct. The law, through this doctrine, seeks to protect such expectations from being defeated unjustly.

What anchors the doctrine firmly within Indian administrative law is its intrinsic connection to the principles of natural justice, particularly the rule that no person should be condemned unheard following the latin phrase *audi alteram partem*. When a legitimate expectation arises,

⁷⁷ *NOIDA Entrepreneurs Assn. v. NOIDA*, (2011) 6 SCC 508.

⁷⁸ Arvind P. Datar, *Legitimate Expectation and Article 14*, BAR & BENCH (Oct. 5, 2024), <https://www.barandbench.com/columns/legitimate-expectation-and-article-14> (last visited July 24, 2025).

⁷⁹ Clive Plasket, *Judicial Review of Administrative Action in the Democratic South Africa* (PhD thesis, Rhodes University, June 2002), <https://commons.ru.ac.za/vital/access/services/Download/vital:3693/SOURCEPDF> (last visited July 27, 2025).

⁸⁰ *Doctrine of Legitimate Expectation: An Analysis*, RESEARCHGATE (last visited July 26, 2025), https://www.researchgate.net/publication/350525237_Doctrine_of_Legitimate_Expectation_An_Analysis.

it does not automatically confer a legal right in the strict sense.⁸¹ However, it imposes an obligation on the public authority to act fairly. If the authority wishes to deviate from the expected course, it must justify such a departure with compelling public interest reasons and, importantly, afford the affected party an opportunity to be heard.

This was rightly observed by H.W.R. Wade, who emphasized that the doctrine is rooted in reasonableness, fairness, and natural justice; the pillars upon which administrative discretion must rest. Indian courts have echoed this sentiment, holding that abrupt changes in policies or denial of expected treatment, without notice or hearing, amounts to a violation of Article 14 of the Constitution, which guarantees equality and prohibits arbitrary state action.

For instance, if a government authority has been consistently renewing a contract, license, or benefit for several years, and a citizen has relied on this practice, a sudden refusal without explanation or hearing would offend the individual's legitimate expectation. The courts have repeatedly held that such abrupt reversals, unless backed by overriding public interest are unjustified and may be struck down for violating procedural fairness.

Thus, the doctrine of legitimate expectation operates as a constitutional buffer against discretionary misuse of power. It does not demand rigid adherence to past practices but ensures that when changes are made, they are made transparently, with reason, and only after giving a fair opportunity of hearing to the affected person. It is an important tool in the hands of the judiciary to balance state interest with individual trust, and to ensure that governance remains accountable, participatory, and just.

LIMITATIONS OF THE DOCTRINE OF LEGITIMATE EXPECTATION

The doctrine of "legitimate expectation" has its limitations. The concept of legitimate expectation is only procedural and has no substantive impact. In *Attorney General for New South Wales v. Quinn*⁸², one O was a stipendiary Magistrate in charge of the Court of Petty Sessions. By an Act of the legislature, that court was replaced by the Local Court. Though applied, O was not appointed under the new system. That action was challenged. The court

⁸¹ Anjali Roy, *Law of Contract: Doctrine of Legitimate Expectation*, LEXLIFE (May 12, 2020), <https://lexlife68840978.wordpress.com/2020/05/12/law-of-contract-doctrine-of-legitimate-expectation/> (last visited July 27, 2025).

⁸² *Attorney General for New South Wales v. Quinn*, (1990) 64 Aust LJR 327.

dismissed the claim, observing that if substantive protection is to be accorded to legitimate expectations, it would interfere with administrative decisions on merits that are not permissible. Moreover, the doctrine does not apply to legislative activities. Thus, in *R. v. Ministry of Agriculture, Fisheries and Food, ex p Jaderow Ltd.*⁸³, conditions were imposed on fishing licences. The said action was challenged, contending that the new policy was against “legitimate expectations”. Rejecting the argument and dismissing the action, the court held that the doctrine of “legitimate expectations” cannot preclude Legislation. Likewise, in *Srinivasa Theatre v. Govt. of T.N.*⁸⁴, by amending the provisions of the Tamil Nadu Entertainments Tax Act, 1939, the method of taxation was changed. The validity of the amendment was challenged inter alia on the ground that it was against a legitimate expectation of the law in force before the amendment. Rejecting the argument and following the *Council of Civil Service Unions*⁸⁵, the Supreme Court held that legislation cannot be invalidated on the basis that it offends the legitimate expectations of the persons affected thereby. Again, the doctrine of “legitimate expectations” does not apply if it is contrary to public policy or against the security of the State.

Thus, in the *Council of Civil Service Unions*, the staff of Government Communications Headquarters (GCHQ) had the right to unionisation. By an order of the government, the employees of GCHQ were deprived of this right. The union challenged the said action, contending that the employees of GCHQ had legitimate expectations of being consulted before the Minister took action. Though in theory, the House of Lords agreed with the argument of the Union about legitimate expectations, it held that “the Security considerations put forward by the government, override the right of the Union to prior consultation.” Similarly, in *State of H.P. v. Kailash Chand Mahajan*⁸⁶, an Act was amended by providing age of superannuation. It was contended that when an appointment was made by fixing a tenure, there was a right to continue, and the doctrine of legitimate expectation would apply. The claim was, however, negated, observing that “legitimate expectation cannot preclude legislation.” In *Union of India v. Hindustan Development Corpn.*⁸⁷, in a government contract, a dual pricing policy was fixed by the State Authorities (lower price for big suppliers and higher price for small suppliers). That action was taken in the larger public interest and to break the “cartel”; it was

⁸³ *Agriculture, Fisheries and Food, Ex parte Jaderow Ltd*, [1990] 2 Q.B. 193 (UK).

⁸⁴ *Sri Srinivasa Theatre v. Govt. of T.N.*, (1992) 2 SCC 643.

⁸⁵ *Council of Civil Service Unions v Minister for the Civil Service*, [1985] A.C. 374 (UK).

⁸⁶ *State of H.P. v. Kailash Chand Mahajan*, 1992 Supp (2) SCC 351.

⁸⁷ *Union of India v. Hindustan Development Corpn.*, (1993) 3 SCC 499.

held that the adoption of a dual pricing policy by the government did not amount to a denial of legitimate expectation.⁸⁸

JUDICIAL TREND AND PRONOUNCEMENTS

The doctrine of legitimate expectation continues to safeguard against arbitrary administrative action. In the recent case of *Tej Prakash Pathak vs Rajasthan High Court*⁸⁹ on September 17, 2009, the Rajasthan High Court issued a notification for the recruitment of 13 vacant translator posts under the Rajasthan High Court Staff Service Rules, 2002. Candidates underwent a written examination and a personal interview. However, after these stages, the then Chief Justice Jagadish Bhalla imposed a new requirement that the candidates must score 75% or above in the examination to be selected. As a result, only 3 out of the 21 candidates were selected. The unsuccessful candidates challenged this decision in the Rajasthan High Court, which dismissed their petition in March 2010.⁹⁰ The candidates then filed an appeal in the Supreme Court in 2011.⁹¹ The court held that the Supreme Court of India, in a majority decision delivered by a bench comprising Chief Justice Dr. Dhananjaya Y. Chandrachud and other justices, upheld the principle that recruitment procedures, once initiated, cannot be altered to the detriment of the applicants' legitimate expectations.⁹² The Court reinforced the doctrine that changing the "rules of the game" post the commencement of the recruitment process is impermissible, ensuring that candidates are evaluated based on the criteria established at the outset.

In another case of *Salam Samarjeet v. The High Court of Manipur, Imphal*⁹³, the dispute centers on the recruitment process for Manipur Judicial Service (MJS) Grade-I initiated in 2013 under the unamended MJS Rules, 2005. The petitioner, a Scheduled Caste (SC) candidate, claimed his legitimate expectations were frustrated when the full Court of the Manipur High Court introduced a 40% qualifying threshold for viva-voce through a resolution dated 12 January

⁸⁸ State of Jharkhand & Ors. v. Brahmaputra Metallics Ltd., Civil Appeal Nos. 3860–3862 of 2020 (Arising of SLP (C) Nos. 14156–14158 of 2020), Supreme Court of India (Dec. 1, 2020).

⁸⁹ Tej Prakash Pathak v. High Court of Rajasthan, (2025) 2 SCC 1.

⁹⁰ *Altering Rules on Appointment to Public Posts | Day 3: Bench Reserves Case for Judgement*, SUPREME COURT OBSERVER, <https://www.wobserver.in/reports/altering-rules-on-appointment-to-public-posts-day-2-bench-reserves-case-for-judgement/> (last visited July 24, 2025).

⁹¹ Najma v. Govt. of NCT of Delhi, W.P.(C) 8956/2020.

⁹² Dr Manohar Lal & Ors. v. State of U.P. & Ors., WRIT - A No. 14185 of 2020.

⁹³ Salam Samarjeet Singh v. High Court of Manipur at Imphal, 2024 SCC OnLine SC 2316.

2015.⁹⁴ The unamended rules prescribed final selection based on cumulative marks in the written and viva-voce examinations. The Court evaluated procedural fairness, the doctrine of legitimate expectation, and the legality of executive instructions vis-à-vis statutory rules.⁹⁵ It was held that legitimate expectations were violated. Candidates were entitled to evaluation based on aggregate marks as per the rules in effect during recruitment initiation. The case of *M/S Rewa Tollway P. Ltd v. The State of Madhya Pradesh*⁹⁶ examines the imposition of stamp duty on a Concession Agreement under the Build, Operate, and Transfer (BOT) Scheme in Madhya Pradesh. The appellants claimed legitimate expectation based on earlier executive decisions that exempted such agreements from stamp duty beyond ₹100. However, subsequent legislative changes imposed stamp duty at 2% of the amount likely to be spent by the lessee under the agreement.⁹⁷ The Supreme Court addressed whether this Concession Agreement constituted a lease, bond, or license, and whether the principles of legitimate expectation or promissory estoppel could protect the appellants from the revised obligations. The Court upheld the agreement's classification as a lease and deemed the legislative amendments valid. It clarified that promissory estoppel does not apply to legislative actions and recalibrated the stamp duty to reflect only the lessee's financial outlay.

ROLE OF LEGITIMATE EXPECTATION IN GOOD GOVERNANCE

The Doctrine of Legitimate Expectation serves as a powerful instrument in promoting good governance within the framework of Indian administrative law. Good governance, as understood in modern democratic societies, is premised on the principles of transparency, accountability, consistency, rule of law, responsiveness, and participatory decision-making.⁹⁸ The doctrine complements these values by acting as a constitutional safeguard against arbitrary and unpredictable administrative behaviour, thus reinforcing the foundational ethos of a welfare state as envisioned by the Indian Constitution.

1. Ensuring Administrative Consistency and Predictability

⁹⁴ Writ Petition Nos. 26084, 26133, 27571, 27807, 282, 32081, 32218, 32698 & 35350 of 2023, Mad. HC (R. Mahadevan, A.C.J. & M. Shaffiq, J.) (July 10, 2024).

⁹⁵ Sivanandan C T & Ors. v. High Court of & Ors., Writ Petition (Civil) No. 229 of 2017.

⁹⁶ Rewa Tollway (P) Ltd. v. State of M.P., (2024) 9 SCC 680.

⁹⁷ Vikas Kanaujia v. Sarita, (Civil Appeal No. 7380 of 2024), Supreme Court of India (July 10, 2024).

⁹⁸ International Human Rights Law in Africa, Volume Two (Brill Nijhoff 2023), <https://doi.org/10.1163/9789004532007> (last visited July 27, 2025).

One of the critical elements of good governance is the predictability of state action, which allows citizens and institutions to plan their conduct based on established policies and consistent practices. The doctrine of legitimate expectation ensures that when a public authority has consistently followed a practice or made a representation, individuals who have reasonably relied on such conduct must not be deprived of their expectation arbitrarily. In *Navjyoti Co-op. Group Housing Society v. Union of India*⁹⁹, the Supreme Court held that a change in the criteria for allotment of land, which adversely affected societies that had a legitimate expectation based on an earlier consistent policy, was unjustified. The Court ruled that administrative authorities must respect such expectations unless there is a compelling public interest justifying a departure.

2. Promoting Fairness and Procedural Justice

The doctrine also enhances procedural fairness, which is central to good governance. It mandates that when an individual has a legitimate expectation of being heard before a decision affecting their rights or interests is taken, such a procedural safeguard must be observed. This was recognized in *Food Corporation of India v. Kamdhenu Cattle Feed Industries*¹⁰⁰, where the Supreme Court held that an individual who has a legitimate expectation of a hearing,¹⁰¹ especially where previous conduct of the authority implied a participatory approach, must be allowed to present their case. Similarly, in *Union of India v. Hindustan Development Corporation*¹⁰², the Supreme Court elaborated on the doctrine, stating that legitimate expectation arises not only from a promise or practice but also from a policy that has been consistently applied. The Court emphasized that the state must not act unfairly or arbitrarily in defeating such expectations unless an overriding public interest demands otherwise.

3. Enhancing Transparency and Accountability

Transparency is a fundamental component of good governance. The doctrine of legitimate expectation¹⁰³ contributes to this by requiring that changes in policy or administrative behaviour be supported by reasons. When authorities deviate from past practices or policies,

⁹⁹ *Navjyoti Coop. Group Housing Society v. Union of India*, (1992) 4 SCC 477.

¹⁰⁰ *Food Corporation of India v. Kamdhenu Cattle Feed Industries*, (1993) 1 SCC 71.

¹⁰¹ LISA WEBLEY & HARRIET SAMUELS, *COMPLETE PUBLIC LAW: TEXT, CASES, AND MATERIALS* 5TH ED. (Oxford University Press 2021).

¹⁰² *Union of India v. Hindustan Development Corpn.*, (1993) 3 SCC 499.

¹⁰³ RAJENDRA RAMLOGAN, *JUDICIAL REVIEW IN THE COMMONWEALTH CARIBBEAN* (Routledge-Cavendish 2016).

they must explain their rationale, making the decision-making process more open and accountable. In *Ram Pravesh Singh v. State of Bihar*¹⁰⁴, the Patna High Court underscored that when the government makes certain representations regarding promotions and transfers, and public servants rely on them, there arises a legitimate expectation which the state cannot casually override.¹⁰⁵ Arbitrary denial of such expectations, without clear and transparent justification, erodes the public trust in administrative functioning.

4. Encouraging Participatory Governance

Legitimate expectation also encourages citizen participation in governance by validating the individual's reliance on government conduct. When the administration commits to a course of action or consultative process, the public develops a participatory stake in governance, expecting the state to honour those commitments. In *State of Kerala v. K.G. Madhavan Pillai*¹⁰⁶, the Court recognized that even non-statutory guidelines and informal assurances could give rise to legitimate expectations if they are clear, unambiguous, and relied upon by affected parties. This judicial stance enhances participatory democracy and aligns administrative conduct with citizens' aspirations and rights.

5. Balancing Public Interest and Individual Rights

Good governance requires a careful balance between the need for administrative flexibility and the protection of individual expectations. While public authorities must retain the freedom to alter policies in response to changing circumstances, such changes must not trample legitimate expectations without adequate justification. In *Union of India v. International Trading Co.*¹⁰⁷, the Supreme Court clarified that legitimate expectation cannot override public interest, but emphasized that any administrative change defeating an expectation must be non-arbitrary and justifiable in a court of law. This balance prevents misuse of discretionary power and aligns policy shifts with the principles of constitutional governance.¹⁰⁸

¹⁰⁴ *Shahabuddin v. State of Bihar*, 2005 SCC OnLine Pat 908.

¹⁰⁵ Anoop Kumar, *Definition of Subsidy under the WTO Agreement*, 7(1) DEHRADUN L. REV. 57 (2015).

¹⁰⁶ *State of Kerala v. K.G. Madhavan Pillai*, (1988) 4 SCC 669.

¹⁰⁷ *Union of India v. International Trading Co.*, (2003) 5 SCC 437.

¹⁰⁸ Adv. Arshiyah Zargar, *The Indian Constitution at 75: A Testament to Resilience and Progress*, REFLECTIONS.LIVE (Dec. 13, 2024), <https://reflections.live/articles/8381/the-indian-constitution-at-75-a-testament-to-resilience-and-progress-article-by-adv-arshiyah-zargar-19321-m4mev4us.html> (last visited July 24, 2025).

6. *Reinforcing the Rule of Law and Trust in Governance*

Ultimately, the doctrine of legitimate expectation upholds the rule of law, which is the bedrock of good governance. It reassures citizens that the state will not act unpredictably, and that governmental promises, policies, and consistent behaviour carry normative value. It creates a sense of legal certainty and stability, which is essential for both individual dignity and efficient public administration. The Supreme Court in *Punjab Communications Ltd. v. Union of India*¹⁰⁹ described legitimate expectation as an extension of Article 14 and a principle that reinforces non-arbitrariness and fairness in governance. The Court emphasized that such expectations can be enforceable where public authorities have failed to act following established policies without a sufficient public interest justification.

COMPARATIVE JURISPRUDENCE ON THE DOCTRINE OF LEGITIMATE EXPECTATION

The Doctrine of Legitimate Expectation¹¹⁰ is not unique to Indian administrative law; it has evolved significantly in comparative constitutional and administrative jurisprudence, particularly in England, and has been adapted, interpreted, and developed in various common law countries such as Canada, Australia, South Africa, and New Zealand.¹¹¹ The doctrine has served as a valuable tool in all these jurisdictions to uphold the principles of natural justice, fairness, and protection against arbitrariness in public decision-making.

1. *United Kingdom – The Origin and Development*

The roots of the Doctrine of Legitimate Expectation¹¹² lie in English administrative law, where it has evolved from the broader principle of procedural fairness. A landmark case in this regard is *Schmidt v. Secretary of State for Home Affairs*¹¹³, where the Court held that foreign students who had been given leave to remain in the UK for a certain period had a legitimate expectation of a hearing before being expelled. The doctrine was further refined in *Council of Civil Service Unions v. Minister for the Civil Service (GCHQ case)*¹¹⁴, where Lord Diplock classified

¹⁰⁹ *Punjab Communications Ltd. v. Union of India*, (1999) 4 SCC 727.

¹¹⁰ DAVID HERLING, *BRIEFCASE ON CONSTITUTIONAL & ADMINISTRATIVE LAW* (4th ed. 2004)

¹¹¹ YUWEN LI, ED., *ADMINISTRATIVE LITIGATION SYSTEMS IN GREATER CHINA AND EUROPE* (Routledge 2016).

¹¹² *Doctrine of Legitimate Expectation: An Analysis*, RESEARCHGATE (last visited July 26, 2025), https://www.researchgate.net/publication/350525237_Doctrine_of_Legitimate_Expectation_An_Analysis.

¹¹³ *Schmidt v. Secretary of State for Home Affairs*, [1969] 2 Ch 149 (CA).

¹¹⁴ *CCSU v Minister for the Civil Service* [1985] AC 374.

legitimate expectations into two broad categories: procedural (expectation of a hearing or consultation) and substantive (expectation of a particular benefit or policy being continued).¹¹⁵

The House of Lords emphasized that a public authority cannot frustrate such expectations arbitrarily unless overriding public interest justifies it. In *R v. North and East Devon Health Authority, ex parte Coughlan*¹¹⁶, the Court recognized a substantive legitimate expectation when a disabled woman was promised permanent residence in a healthcare facility. The Court held that frustration of such a promise, in the absence of a compelling justification, amounted to an abuse of power. This approach has deeply influenced Indian courts, especially in recognizing both procedural and substantive dimensions of the doctrine.

2. Canada – Doctrine Linked to Fairness and Judicial Review

In Canada, the doctrine is closely associated with the principles of procedural fairness and legitimate reliance. In *Old St. Boniface Residents Assn. Inc. v. Winnipeg (City)*¹¹⁷, the Canadian courts held that legitimate expectations may arise when a public authority's past conduct or representations create an expectation of procedural rights, such as a public hearing.¹¹⁸ However, Canadian courts remain cautious in recognizing substantive legitimate expectations, often holding that such expectations cannot override statutory duties or discretion. The focus remains on whether procedural fairness has been denied, reflecting a more restrained approach compared to the UK.

3. Australia – Procedural Fairness Is Key

Australian courts have also acknowledged the doctrine, though they generally confine it to procedural expectations. In *Attorney-General for New South Wales v. Quin*¹¹⁹, the High Court of Australia held that legitimate expectations¹²⁰ may justify the application of procedural fairness, but they cannot limit the exercise of statutory power or policy changes in the public

¹¹⁵ Jessica Lauren Bell, *The Legal Structure of UK Biobank: Private Law for Public Goods?* (PhD thesis, University of Sheffield, 2016), <http://etheses.whiterose.ac.uk/13594/1/Jessica%20Bell%20PhD.pdf> (last visited July 26, 2025).

¹¹⁶ *R v North and East Devon Health Authority*, [2001] QB 213 (CA).

¹¹⁷ *Old St. Boniface Residents Assn. Inc. v. Winnipeg (City)*, [1990] 3 SCR 1170 (SCC).

¹¹⁸ Casebook on Procedural Fairness (Faculty of Law, University of Manitoba 2005), <http://www.umanitoba.ca/law/newsite/coursemat/casebook%20procedural%20fairness%202005.pdf> (last visited July 27, 2025).

¹¹⁹ *Attorney-General for New South Wales v. Quin*, (1990) 170 CLR 1 (HCA).

¹²⁰ CHRIS MONAGHAN, *PUBLIC LAW* (1st edn, Routledge 2021).

interest. The Australian jurisprudence aligns with the Indian position to some extent, particularly in recognizing the need for reasoned decisions and fair process, while avoiding granting enforceable substantive rights.

4. South Africa – Tied to Constitutional Principles

South Africa has adopted the doctrine within the framework of its transformative constitutionalism. Under Section 33 of the South African Constitution, which guarantees the right to just administrative action, legitimate expectations are recognized as part of the right to lawful, reasonable, and procedurally fair administrative action. In *President of the Republic of South Africa v. South African Rugby Football Union*¹²¹, the Constitutional Court referred to the importance of expectations raised by consistent conduct and emphasized procedural fairness as a component of constitutional due process. South African jurisprudence places the doctrine in a rights-based framework, similar to India's linkage to Article 14.

5. New Zealand – Towards Substantive Protection

New Zealand courts have moved closer to the UK model in offering substantive protection to legitimate expectations. In *Attorney-General v. Ngati Apa Ki Te Waipounamu Trust*¹²², the Court recognized that when a public body makes representations or follows a consistent policy, individuals may develop expectations that can only be overridden with justifiable reasons and adherence to procedural fairness. Indian courts have drawn heavily from English jurisprudence, especially the GCHQ case, in formulating the scope and limitations of legitimate expectation.

CONCLUDING REMARKS AND WAY FORWARD

The Doctrine of Legitimate Expectation has emerged as a powerful judicial principle to ensure fairness, consistency, and accountability in administrative action. Rooted in the ideals of non-arbitrariness under Article 14 of the Indian Constitution,¹²³ the doctrine fills a crucial gap between strict legal rights and equitable administrative conduct. It enables courts to protect individuals who have reasonably relied on established practices, express assurances, or consistent policies of public authorities. Over time, Indian courts have shown a progressive

¹²¹ *President of the Republic of South Africa v. South African Rugby Football Union*, 2000 (1) SA 1 (CC).

¹²² *Attorney-General v. Ngati Apa Ki Te Waipounamu Trust*, [2003] NZAR 209 (NZCA).

¹²³ Sarica AR, *Doctrine Of Legitimate Expectation*, ACADEMIKE (Lawctopus) (last visited July 27, 2025), <https://www.lawctopus.com/academike/doctrine-legitimate-expectations/>.

inclination toward adopting and refining this doctrine, particularly by acknowledging both procedural and, in limited circumstances, substantive legitimate expectations. Through various landmark decisions, the judiciary has balanced individual expectations with the needs of public interest, showing a nuanced understanding of administrative discretion and democratic governance.

However, the doctrine is not absolute. Its application is limited by statutory duties, legislative functions, and overriding public interest. Courts have also reiterated that a mere expectation, however legitimate, does not automatically translate into an enforceable right. The doctrine, therefore, operates within a delicate space where fairness meets flexibility. A comparative look at jurisdictions like the UK, Canada, Australia, South Africa, and New Zealand demonstrates that while the core values of the doctrine remain universal, its scope and enforceability vary. In India, its integration with constitutional principles, especially the rule of law and good governance, has given it a distinctive character and enhanced its relevance in administrative jurisprudence.

In conclusion, the Doctrine of Legitimate Expectation serves not just as a legal tool but as a symbol of ethical governance and citizen-centric administration. Its continued evolution through judicial interpretation will play a pivotal role in strengthening the relationship between the State and its citizens, ensuring that administrative power is exercised with responsibility, fairness, and respect for democratic values.