



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: B.A., LL.B.(HONS.) FYIC**

**DETAILS OF COURSE OFFERED**

**ODD SEMESTER (IX) – ACADEMIC YEAR- 2024-25**

SL. NO	COURSE CODE	COURSE TITLE	L	T/ P	CR	CH
1	BL905.6	SERVICE LAW	4 PER WEEK	1 PER WEEK	4	

- A. CODE AND TITLE OF THE COURSE: BL905.6, CONSTITUTIONAL LAW, SERVICE LAW
- B. COURSE CREDIT: 4 (TOTAL MARKS 200)
- C. MEDIUM OF INSTRUCTION: ENGLISH
- D. COURSE COMPILED BY: MR. SAHEB CHOWDHURY
- E. COURSE INSTRUCTOR: MR. SAHEB CHOWDHURY

## **1. COURSE OBJECTIVES**

The Service Law course aims to provide a comprehensive understanding of the constitutional and legal framework governing civil servants in India. This course explores the distinct legal status of civil servants, focusing on key constitutional provisions such as the Doctrine of Pleasure and Article 311 safeguards that impact their rights and obligations. Students will study the rules and procedures surrounding recruitment, tenure, dismissal, and promotion within the civil services, with particular emphasis on the role of the Union and State Public Service Commissions. The course delves into mechanisms for resolving service-related disputes, including the jurisdiction and scope of administrative tribunals, as well as the judicial review powers of the Supreme Court and High Courts. Special attention is given to unique categories within the civil service, such as All India Services and judicial personnel, addressing the specific challenges they face. Through the study of landmark cases, students will critically engage with significant judicial interpretations and doctrines, especially principles of natural justice. Additionally, the course emphasizes practical legal skills by encouraging independent research, presentations, and critical analysis of current issues and developments in service law, fostering a participatory and applied learning environment.

## **2. TEACHING METHODOLOGY**

The teaching methodology for this subject is designed to facilitate a deep understanding of the Constitution of India through an interactive, participatory approach. Moving beyond traditional lectures, this methodology emphasizes classroom discussions on constitutional principles and key judicial precedents. Students are provided with topics for discussion and project assignments in advance, encouraging them to prepare using recommended resources. Independent research is strongly encouraged, fostering self-directed learning and critical thinking. During classroom sessions, each student presents their topic, promoting a collaborative learning environment where questions and doubts are addressed through open discussion. Faculty members provide guidance throughout, offering insights to support students' legal exploration. After presentations, the instructor summarizes key points and addresses any remaining questions, ensuring clarity and reinforcing understanding of complex concepts. This approach cultivates an engaging and thorough comprehension of service law and constitutional studies, preparing students for practical application in their future careers.

### 3. COURSE EVALUATION METHOD

The course shall be assessed for 200 marks. The Evaluation scheme would be as follows:

Internal assessment: 70% (140 marks)

Semester End Examination: 30% (60 marks)

Sl. No.	Marks Distribution	
1	Project Work	40 marks
2	Seminar/Group Discussion	20 marks
3	Assignment/Assessment	30 marks
4	Mid-Semester Test	40 marks
5	Attendance in class	10 marks
6	Semester End Examination	60 marks

### 4. COURSE LEARNING OUTCOMES

Upon completing the Service Law course, students are expected to have a solid foundational understanding of the constitutional and legal principles governing civil servants in India. They will be able to critically analyze the recruitment processes, service conditions, and the unique legal protections and obligations specific to government employees. Students will also gain insight into dispute resolution mechanisms, including the roles and limitations of administrative tribunals, and the scope of judicial review by the Supreme Court and High Courts. This course aims to equip students with practical skills in legal research, critical thinking, and case analysis, enabling them to independently examine and engage with complex issues within service law. By interacting with landmark cases and doctrines, students will develop the ability to assess and apply constitutional safeguards and principles of natural justice, which are central to this field. Ultimately, graduates of this course will be well-prepared to navigate, interpret, and contribute meaningfully to the evolving landscape of service law in both academic and professional contexts.

### 5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES; REFERENCE MATERIALS AND SUGGESTED /COMPULSORY READING)

#### MODULE I

## **[20 Teaching Hours]**

### **Civil Servants: Constitutional Perspectives**

1. Recruitment and conditions of service of persons serving the Union or a State (Article 309)
2. Tenure of office of persons serving the Union or a State (Doctrine of Pleasure) Article 310
3. Dismissal, removal or reduction in rank (Article 311)
4. All-India Services (Article 312)
5. Doctrine of Pleasure-Limitation on the Doctrine of Pleasure
6. Constitutional safeguards to civil servants & Principle of natural justice
7. Formulation of service rules: Rules for managing the Government Servant (FR/SR, R&P Rules etc.); Rules Relating to Working Departments or Organizations (Financial and Organization Rules); Rules Relating to Welfare Measures (Pension, LTC, Monthly Leave, etc)
8. Essential Service Maintenance Law

### **Judicial Reference:**

1. Union of India v. Tulsiram Patel, (1985) 3 SCC 398: AIR 1985 SC 1416
2. State of U.P. v. Babu Ram Upadhyaya AIR 1961 SC 751: (1961) 2 SCR 679
3. Samsher Singh v. State of Punjab (1974) 2 SCC 831: AIR 1974 SC 2192
4. V.K. Nambudiri v. Union of India, AIR 1961 Ker 155
5. Parshotam Lal Dhingra v. Union of India AIR 1958 SC 36:1958 SCR 828
6. Khem Chand v. Union of India AIR 1958 SC 300, 306:1958 SCR 1080
7. State of Punjab v. Sukh Raj Bahadur AIR 1968 SC 1089: (1968) 3 SCR 234
8. Union of India v. Balbir Singh, (1998) 5 SCC 216: AIR 1998 SC 2043 Note: List of cases is not exhaustive.

## **MODULE -II**

### **[15 TEACHING HOURS]**

### **Recruitment, Promotion and Punishment**

1. Union Public Service Commission and State Public Service Commissions (Article 315- 323)
2. Jurisdiction and functions

3. Membership; immunities
4. Consultation with commission
5. Promotional rules
6. Disciplinary proceedings
7. Termination of service or reduction in rank

**Judicial Reference:**

1. State of Mysore v. R.V. Bidap (1974) 3 SCC 337, 347-48: AIR 1973 SC 2555
2. H.Mukherjee v. Union of India, 1994 Supp(1) SCC 250: AIR 1994 SC 495
3. Pradyat Kumar Bose v. Chief Justice of Calcutta High Court, AIR 1956 SC 285, 294 : (1955) 2 SCR 1331

Note: List of cases is not exhaustive.

**MODULE -III [15 TEACHING HOURS]**

**Service Matters Disputes- Tribunals (Articles 323- A & 323-B)**

1. Departmental remedies: representation, review, revision and appeal, role of service Organizations
2. Remedy before the Administrative Tribunal: jurisdiction, scope and procedure, merits and demerits - exclusion of jurisdiction of courts.
3. Judicial review of service matters - jurisdiction of the Supreme Court and High Courts.

**Judicial Reference:**

1. S.P. Sampath Kumar v. Union of India (1987) 1 SCC 124: AIR 1987 SC 386
  2. R.K. Jain v. Union of India (1993) 4 SCC 119: AIR 1993 SC 1769
  3. L. Chandra Kumar v. Union of India (1997) 3 SCC 261: AIR 1997 SC 1125
- Note: List of cases is not exhaustive.

**SUGGESTED READINGS BOOKS**

1. M.P. Singh, V.N.Shukla's Constitution of India (11th ed., 2008)
2. H.M. Seervai Constitutional Law of India (4th ed., 1996)
3. M.P. Jain Indian Constitutional Law (5th ed., 2003)
4. Swamy's Manual on Disciplinary proceedings for Central Government Staff,

Complete with Rules and Orders (13th Edn.)

5. A.S. Bhatnagar's Guide to Departmental Promotions, Enquiries, Punishments & Appeals (8<sup>th</sup> Edn.)
6. Samaraditya Pal on Law relating to Public Service (3rd Edn.)
7. G M Kothari's How to conduct and defend disciplinary inquiries & cases (3rd Edn.) by G.Saran
8. Doabia & Doabia's the law of services and dismissals (4th Edn.)
9. B.R. Ghaiye's Law and Procedure of Departmental Enquiries (In private & public sectors, 4<sup>th</sup> Edn.)
10. P.V. Ramakrishna's Guide to Departmental Enquiries against government servants (7th Edn.)
11. N.Narayanan Nair, the Civil Servant under the Law and Constitution (1973)
12. K.K.Goyal, Administrative Tribunals Act (1985)

## **JOURNALS**

1. Arjun P.Aggarwal, Freedom of Association in Public Employment, 14 JILI (1972)
2. C.K.Kochukoshy, "All India Services- The role and the Future", 1972. I.J.P.A. 67.
3. Douglas Vass, "The Public Service in Modern Society", 1983. I.J.P.A. 970
4. Z.M.S. Siddiqi, "Sanction for the Breach of Contracts of Service", 1983. I.J.P.A. 359.
5. O.P.Motilal, "Compulsory Retirement", 1975. I.J.P.A. 247.
6. D.S.Chopra, "Doctrine of Pleasure – its some implication and Limitations", 1975, I.J.P.A.
7. G.C.V.Subba Rao, "The ONGC Case and New Horizons in Public Services Law" S.C.J.29.

## **Case Law Reporter/Journals**

Students are expected to acquaint themselves with Supreme Court Reports (SCR), Indian Supreme Court Law Reporter (ISCLR), All India Reporter (AIR), Supreme Court Cases (SCC), Annual Survey of Indian Law, and Journal of the Indian Law Institute, Delhi Law Review, NALSAR's Indian Journal of Constitutional Law, Comparative Constitutional Law and Administrative Law Quarterly