DOCTRINE OF LEGITIMATE EXPECTATION
EVOLUTION

Doctrine of legitimate expectation is evolved as the principle of natural justice. This doctrine is traced back to the English Law which was taken as a ground for judicial review in the administrative law to protect the procedural and substantive interest when a public authority rescinds representation made to a person. In the case of Council of Civil Service Unions and Others V. Ministry for the civil service (1985) AC 375 held that to establish this doctrine the decision by the public authority should alter the persons rights or obligations enforceable by or against him and he is deprived of some benefit or advantages. It is invoked to expand the right of being heard and it aims is to give effect to the hearing or failure to conduct a hearing.

MEANING

Legitimate expectation means the reasonable expectation by a person being treated in a certain way by the public authorities on account of consistent practice or an express promise made by the concerned authority. Though it is not a legal right to an individual, it flows when it is arbitrary on the promise, representation, practice or policy made by on or behalf of the government or a public authority. Here, a public servant is liable in lieu of legitimate expectations. Thus, this doctrine expresses the relationship between the individual and the public authority.

This doctrine pertains to the field of Public law. As the doctrine imposes a duty on the public authority when he makes a promise either expressly or impliedly results in expectation by an individual. The doctrine of legitimate expectation is to keep a check on public authority his duty and to act fairly by taking into consideration all relevant factors relating to legitimate expectation. It also imposes the duty on the public authority not to act in defecting the legitimate expectation without having some reason for public policy to justify doing.
ARTICLE 14 OF THE CONSTITUTION OF INDIA

Article 14 of the Constitution of India deals with the principle of natural justice which includes the right to hearing i.e., has its ground for legitimate expectation. The non-arbitrariness and unreasonableness is necessary to know whether there was a denial of legitimate expectation. Article 14 emphasize on reasonable or legitimate expectation for every individual to treat fairly in the relationship between the individual and the public authority.

TWO BROAD CATEGORIES OF LEGITIMATE EXPECTATION

Procedural legitimate expectation - The procedural legitimate expectation arises when the decision-makers promise to consider particular things during decision-making process. When there is regular a practice of a certain procedure and the court thinks that withdrawing from such practice would be unfair or inconsistent with the good administration.

Substantive legitimate expectation - This arises when the decision-maker has promised to keep an existing policy in force or to do particular thing for a specific group or party and they would affect if they got affected by a decision to go back on that promise.

WHO CAN INVOKE THE DOCTRINE OF LEGITIMATE EXPECTATION?

1. The person who has a dealings or transactions or negotiations with an authority.
2. The person who has legal relationship with the authority.
3. A total stranger with public authority and no dealings or transactions or negotiations cannot invoke the doctrine of legitimate expectation merely on the ground that the authority has a general obligation to act fairly.
LEGITIMATE EXPECTATION MAY ARISE

1. When there is an express or implied promise made by the public authority.
2. There must be a ground for the individual to the reasonable expectation to continue.
3. Such an expectation must be reasonable.

CASE LAWS

Case 1
Madras City Wine Merchants' Association And Another v. State Of T.N And Another, 1994 SCC 5 509.
Held - The doctrine of legitimate expectation arises only in the field of administrative decisions. If the plea of legitimate expectation relates to procedural fairness there is no possibility whatever of invoking the doctrine as against the legislation.

Case 2
Held - It would be open to the Government to evolve the new schemes and the petitioners would get their legitimate expectations accomplished in accordance with either of the two schemes subject to their satisfying the conditions required in the scheme. The High Court, therefore, was right in its conclusion that the Government is not barred by the promises or legitimate expectations from evolving new policy in the impugned notification.
Case 3


Held - this doctrine of “legitimate expectations” operates in the domain of public law, and is not merely a procedural right subsumed within the requirement of natural justice or elementary canons of fair play. It constitutes a substantive, enforceable and protectable interest as a facet of Article 14 itself. The doctrine applies a fortiori and proprio vigore to cases of contract and renewals thereof.

Case 4

*Union Of India And Others v. Hindustan Development Corporation And Others*, 1994 AIR SC 988.

Held - The “legitimate expectation” is the latest recruit to a long list of concepts fashioned by the courts for the review of administrative action and this creation takes its place beside such principles as the rules of natural justice, unreasonableness, the fiduciary duty of local authorities and “in future, perhaps, the principle of proportionality” The said modifications by way of judicial review is not on the ground of legitimate expectation and violation of principles of natural justice but on the other ground namely the decision of the authorities was based on wrong assumption of formation of a cartel.

Case 5

*Secretary, State Of Karnataka And Others v. Umadevi (3) And Others*, 2006 SCC 41.

Held - The theory of legitimate expectation cannot be successfully advanced by temporary, contractual or casual employees. It cannot also be held that the State has held out any promise while engaging these persons either to continue them where they are or to make them permanent. The State cannot constitutionally make such a promise. It is also obvious that the theory cannot be invoked to seek a positive relief of being made permanent in the post.
Case 6


Held - A person may have a ‘legitimate expectation’ of being treated in a certain way by an administrative authority even though he has no legal right in private law to receive such treatment. The expectation may arise either from a representation or promise made by the authority, including an implied representation, or from consistent past practice.

The doctrine of legitimate expectation has an important place in the developing law of judicial review. It is, however, not necessary to explore the doctrine in this case, it is enough merely to note that a legitimate expectation can provide a sufficient interest to enable one who cannot point to the existence of a substantive right to obtain the leave of the court to apply for judicial review. It is generally agreed that ‘legitimate expectation’ gives the applicant sufficient locus standi for judicial review and that the doctrine of legitimate expectation to be confined mostly to right of a fair hearing before a decision which results in negating a promise or withdrawing an undertaking is taken. The doctrine does not give scope to claim relief straightaway from the administrative authorities as no crystallised right as such is involved. The protection of such legitimate expectation does not require the fulfilment of the expectation where an overriding public interest requires otherwise. In other words, where a person’s legitimate expectation is not fulfilled by taking a particular decision then the decision-maker should justify the denial of such expectation by showing some overriding public interest.

Case 7


Held - The High Court having directed the State to consider the applications filed by the appellants herein on the same terms and conditions, the State could not have ignored the same. The applicants had a legitimate expectation to obtain licences in view of the policy decision of the State and, thus, it could not have refused to grant such licences.
Case 8

**GNCT Of Delhi & Ors. v. Naresh Kumar, 2010 SCC ONLINE DEL 3942.**

I. Mere reasonable or legitimate expectation of a citizen may not by itself be a distinct enforceable right, but failure to consider and give due weightage to it may lender the decision arbitrary.

II. Legitimate expectation may arise
   a) if there is an express promise given by a public authority; or
   b) because of acceptance of a regular practice, a claimant can reasonably expect it to continue; and
   c) such expectation may be reasonable.

III. For a legitimate expectation to arise, the decision of administrative authority must affect the person by depriving him of some benefit or advantage which he had in the past been permitted, by the decision maker, to enjoy and which he can legitimately expect to be permitted to continue, until some rational grounds for withdrawing it have been communicated to him.

IV. If the authority proposes to defeat a person’s legitimate expectation, it should afford him an opportunity to make a representation in the matter.

V. The doctrine of legitimate expectation permits the court to find out if the change in policy which is the cause for defeating the legitimate expectation is irrational or perverse or one which no reasonable person could have made.

Case 9

**Kerala State Beverages (M and M) Corporation Limited V. P.P. Suresh & Ors, Etc and ors., Civil Appeal Nos. 7804-7813 of 2019.**

Held - The overriding public interest can be a reason for change in policy of the Government and that has to be given due weigh while considering the claim of legitimate expectation.
Case 10

The State of Bihar & Anr V. Dr. Sachindra Narayan & Ors., Civil Appeal No.884 of 2019.

Held - The State Government had provided funds for payment of pension for the last many years, the Institute and the employees of the Institute have legitimate expectations to receive the amount of pension. The legitimacy of an expectation can be inferred only if it is founded on the sanction of law or custom or an established procedure followed in regular and natural sequence. It said that payment of pension in the past will not confer an enforceable right in favour of the Institute or its employees. There cannot be any legitimate expectation unless a legal obligation exists.

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