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**BALANCING LABOUR WELFARE AND CONSTITUTIONAL  
DISCIPLINE: ANALYSIS OF SHAH SAMIR BHARATBHAI V. STATE  
OF GUJARAT**

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**INTRODUCTION**

The ruling in Shah Samir Bharatbhai v. State of Gujarat is an influential judicial ruling at the borders of labour law, constitutional governmental regulations, and the regulatory framework of educational establishments. The case creates intricate issues regarding the rights of the temporary or contractual workers in the institutions of the state regulated education and the possibility of a claim regarding the regularization to be raised when the time of service is extended. It also interacts with the fundamental constitutional principles, especially the principle of equality in the employment of officials of the state in Article 14 and 16. The decision is indicative of the ongoing judicial endeavor to maintain a balance between equity-based business in labour relations and constitutional discipline in the employment recruitment matters. The case comment critically analyzes the legal issues, the facts behind, submissions by both parties, the reasoning of the judge, and the general implication of the ruling. It also gives a critical examination on the doctrines but at the same time the concerned institution respects the judicial system.

**FACTUAL BACKGROUND**

The petitioners, such as, Shah Samir Bharatbhai among others, were teaching in institutions that were under the regulatory supervision of the State of Gujarat. They were appointed temporarily, ad hoc or contractually. Their appointments were not made on the prescribed statutory procedures of the formal recruitment procedures although they had the claim that they were working against sanctioned posts and were discharging duties similar to those of regular employees.

The petitioners served the institution over a long duration of time. In the process, they claimed that their services were key in the operations of the educational establishment and that State had successfully authorized their employment by allowing them to continue practicing it. In the case where they were denied their regularization or permanent status, they moved to the High Court under Article 226 of the Constitution to seek a fit.

### **ISSUES BEFORE THE COURT**

The case had a number of legal issues that were intertwined and the Court had to deal with them. The main question was, can temporary or contractual employees, who work in educational institutions regulated by the state, demand regularization as their right. Intimately linked with this was the issue of the long and continuous service giving rise to an expectation of permanency. The Court also needed to tell whether refusal to regularize would be either arbitrary within the confines of Article 14 or subject to the inequality of opportunities in the employment of the public to job under Article 16. Lastly, the Court needed to address the boundaries of judicial intervention that could be made in the issues regarding the recruitment policy and service regularization.

### **ARGUMENTS OF THE PETITIONER**

The petitioners argued that their long service rendered them institutional dependents as well as recognized their usefulness at the administrative level. They claimed that, the expectation of regularization was legitimate since they had been engaged over a period of years. To them, it would amount to unfairness and arbitrariness to deny permanency to the State once they have been receiving their labour over a long period of time.

They also filed that their effort was done on posts which were not sanctioned and that the institution needed their services to continue with academics. Regularization to them would not be a backdoor entry but they will only be formalizing already existing employment relationship. The petitioners further used the fact that the constitution guaranteed equality, stating that other similarly situated people had in the past been accorded regular status. Its refusal to give them the same treatment, they argued, constituted discriminatory state action.

Their argument in a larger context was based on fairness, social justice as well as labour welfare. They pointed out that the precarious terms of work weaken dignity and economic security especially in the education sector.

## **ARGUMENTS OF THE STATE**

The petition was opposed mainly on constitutional and procedural grounds by the State of Gujarat. It claimed that the concerned appointments have not been done via a normal recruitment process as required by the statutory rules of service. Regularization in this case would be against Articles 14 and 16 that demand openness and equal chances in state jobs. The State asserted that the interim or provisional appointments were not a vested right to permanency. It upheld that regularization cannot be argued out only on the grounds of length of service, when the original appointment was itself also not made in compliance with legal recruitment processes. Another point that the State emphasized was that the policies of recruitment and regularization belong to the executive level, and the statutory framework should not be disobeyed by judicial principles.

The case was argued in support of its case by referring to the provisions of the *Secretary, State of Karnataka v. Umadevi*, where the courts are not allowed to guide regularization of employees who are irregularly appointed.

## **COURT'S REASONING**

The Court looked at the case through the constitutional jurisprudence that applicable in the employment of the people. It repeated the fact that equality in the state jobs is a fundamental constitutional condition. Such customization of appointments with no due process would be a compromise of the rights of deserving job seekers who did not get a chance to compete.

The Court noted that a considerable time of continuation in service does not necessarily amount to a legal right to regularization. Lack of the correct recruitment processes during employment formation cannot be rectified just by time. To be particularly attentive of the issues of irregular appointments versus illegal appointments the Court stated that in extraordinary situations, a limited relief might be granted where the procedural defects were minor and the appointment was otherwise substantially valid.

Notably, the Court did not resort to pure sympathy approach. It was a belief that constitutional discipline should not be subjugated by equity. Simultaneously, the Court was aware that temporary workers also experience certain practical difficulties but pointed out that any structural change should be initiated by either a legislative or executive decree and not by a judicial one.

## **JUDICIAL ANALYSIS**

The Court reasoning indicates a consistency in doctrines with the past Supreme Court precedents. The constitutional orthodoxy in recruiting people into the pleasure of the Umadevi principle is shown in its dependency. The Court maintained the competitive selection processes by refusing to have them automatically regularized.

But the decision also demonstrates the incompatibility of constitutional formalism with labour welfare issues. On the one hand, the Constitution requires procedural equality and transparency, on the other, the time span of insecure employment suggests concerns of equity and institutional responsibility. The Court seems to have deliberately given priority to constitutional discipline rather than fair regularization.

## **COURT'S REASONING**

The Court took the approach of balancing out the rivalry between the legality and fairness. It repeated that Article 14 of the constitution required equality when giving public employment. The Court noted that a dehorse appointment made under statutes cannot be frequently safeguarded.

Meanwhile, it was recognized by the Court that the employees cannot be treated to arbitrary or hasty action without due process. It looked at the existence of principles of natural justice and the presence of an opportunity to present their cases to the petitioners.

The Court seems to have underlined that irregular appointments cannot be regularized necessarily, but procedural fairness is a requirement. Correction should be made by the administration in a transparent and reasoned way, and should hear those who are affected.

The Court exercised judicial restraint in its reasoning since policy decisions and administrative corrections are mainly within the scope of the executive domain. The role of the judicial review was limited to looking at the question of legality, adherence to procedures and constitutional legitimacy instead of overruling the administrative judgment.

The Court eventually maintained the legality in the employment in the government that should not be disturbed, and strengthened the necessity of the creation of the procedure guarantees.

## **JUDICIAL ANALYSIS**

Doctrinally, the case supports the long standing judicial stand that irregular appointments are not sustainable only on the basis of long service. This is in agreement with the existing

constitutional jurisprudence which puts more emphasis on equal opportunity in government employment.

Simultaneously, the verdict shows benevolence to personal suffering. The Court was not strictly technical, as it considered fairness and due process. Such a well-balanced argument builds up the rule of law and stops administrative arbitrariness.

Nevertheless, an academic commentary might indicate that further clarification of the area of legitimate expectation in employment conflicts would have given more rigorous direction in future cases. The conflict between bureaucratic correction and employee protection is one of the recurring issues of the labour jurisprudence. The ruling, however, does not go way beyond the bounds of policy-making, and thus, judicial propriety and institutional discipline.

### **IMPLICATIONS FOR LABOUR LAW**

The case also relates heavily to the labour law in the public and semi-public sector. To start with, it reaffirms the fact that the recruitment process should be conducted in line with accepted statutory provisions. There is no way that employers can evade the process and still seek judicial confirmation.

Second, it explains that irregularly appointed employees can not necessarily assert regularization. This has implications to temporary employees, contractual employees, or ad hoc employees. Third, the ruling enhances procedural fairness by focusing on natural justice in correcting the irregularities. In this way labour protections are no longer guaranteed by automatic regularization but by the procedural protection.

Lastly, in the judgment, the accountability of administrative education is mentioned. Governments should avoid suffering and legal suits by ensuring proper recruitment through the law.

### **CONSEQUENCES TO EDUCATIONAL INSTITUTIONS**

The case has a significant effect especially on educational institutions where the case intersects. Educational governance frequently entails regulatory permits, staffing guidelines and regulatory demands. The ruling highlights the fact that colleges should be very strict in recruitment rules.

To teachers and academic employees, the decision is an indication that tenure can be guaranteed provided the appointment is legal. The institutions cannot guarantee permanency unless the appointments are legal. Meanwhile, the regulatory bodies need to be just and open in investigating appointments. Unheard abrupt cancellations can be subject to judicial review.

Therefore, the decision facilitates institutional and procedural justice in the field of education administration.

## **OBSERVATION**

The decision is a prudent compromise between constitutional equality and administrative discipline with due respect to the Hon'ble Court. It does not populistically regularize and protects procedural fairness. Nevertheless, it could be noted that more institutional accountability devices can be used to avoid the repetition of such conflicts. In cases where the authorities make mistakes related to the appointment practices, the employees tend to suffer unfairly. The jurisprudence of the future can take into account designed relief actions in deserving cases.

Another issue described in the case is the dynamic role of the judiciary in employment disputes which, however, is not that of regularizing power, but of a constitutional guardian power that guarantees legality and fairness of the disputes. Notably, the decision is in keeping with judicial protocol and separation of powers. It does not overstep on the executive functions and does not completely overlook the rights of individuals.

The case of Shah Samir Bharatbhai and Ors. State of Gujarat is a good opportunity to think about the wider structural conflicts of Indian public employment jurisprudence. Although the logic of the Court decision is strongly aligned with current constitutional law, especially the need that the appointment of a position, in the public, be in line with both statutory and procedural requirements, the case also reveals through which problems of instability stay constant in the institutions: creating the rise of such conflicts.

Firstly, it should be noted that the practice of the Court corresponds to the loyalty to the constitutional vision of equality of Articles 14, equal opportunity in governmental employment of Articles 16. These are the normative provisions of the recruitment jurisprudence of India. The judicial system has always maintained that such appointments granted contrary to the stipulated procedures cannot be continued just on the sympathetic grounds. In that regard, the line of reasoning by the Court is neither new nor disruptive, but instead it restates a consistent doctrinal stand that is intended to curb arbitrariness, nepotism and undermining of meritocracy in the service of the people.

But on an academic level, it can be noticed that the real-life implications of the strict enforcing usually disproportionately apply to employees and not to the authority at fault. In most instances such as in this type of dispute, people take on jobs in good faith, basing on the perceived mandate of the appointing agencies. They can work over years, play their part in

making the institutions work, and base their lives on this employment. In the case of appointments later ruled irregular, the human cost may be drastic. Although legally correct, the ruling highlights the fact that more stringent administrative accountability measures are needed to make sure that no breaches of protocol happen on the first level.

The other aspect that should be considered is the doctrine of legitimate expectation. The Indian courts have been selective in the application of this doctrine in the field of service law, because it is acknowledged that expectation cannot prevail over statutory prescriptions. Still, the room to make finer-tuning with the situations, in which workers, despite being appointed on an irregular basis, are not the irregularity participants, remains open. The ruling seems to maintain clarity in the doctrine by focusing on legality although further jurisprudence can be enriched by coming up with more structured rules to eliminate cases of fraudulent appointments, process anomalies, and systematic administrative lapses. This might enable graduated relief without compromising the constitutional values.

Another issue in the case is the continued adherence to procedural fairness by the judiciary. The Court brings to the fore the need to adhere to the natural justice even in situations where appointments are not legally viable. Such a requirement of notice, hearing, and reasoned decision-making promotes constitutional morality in the administrative procedures. It is an indication that the State does not have a free rein in its corrective power. This is a huge protection as of rule-of-law, so that the rectification of illegality itself is not arbitrary.

Regarding labour law, the decision signifies a changing shift between the regularization that is based on equity and the scrutiny based on legality. The previous patterns of the judiciary were sometimes inclined towards sympathetic assimilation of the long serving employees. Nevertheless, the modern jurisprudence underlines that the employment by the state can no longer be discussed as a contractual issue; it is a constitutional trust. This theoretical change encourages openness and merit, yet it also reduces opportunities of fair relief. Researchers can argue that this rebalancing of social justice and institutional discipline is not sufficient.

The implication is of particular interest as far as the educational institutions are concerned. The institutions of education are normally under a complicated regulatory framework that is comprised of state authorizations, accreditation standards, and fiscal controls. Cases of administrative deficiencies in these situations may have an impact on teachers and workers who are very critical in the delivery of state goods like education. The ruling indirectly reminds education officials that compliance is not a technical aspect but a prerequisite. Simultaneously, it also challenges the policymakers to think whether the frequency of such conflicts can be decreased due to regulatory clarity and simplified approval processes.

The other point is relating to judicial restraint. The Court does not mind infringing on executive or policy arenas. It simply limits itself to the analysis of legality and procedural propriety instead of re-evaluating the administrative wisdom. This limitation enhances institutional balance and boosts separation of powers. Courts should be aware of replacing the discretion of the administration with their own preference in a constitutional democracy. The ruling shows that it is conscious of this boundary.

However, it can be carefully implied that the judicial comments on the need to reform in the future may enhance further the governance. As an example, the courts might urge governments to develop internal audit mechanisms to disallow abnormal hiring of personnel. Although it is not the judiciary that is supposed to make policy, it is in a constitutional position to point out areas of gaps in the system. These observations made decently can become the trigger of improving the administration without trespassing the institutional boundaries.

The ruling is also part of the greater debate of dignity in the labour market. Even though the Court emphasizes legality, its demand to treat employment not only as an economic construct but also as a source of identity and dignity is an indication of procedural fairness. The Court upholds this aspect of Article 21 jurisprudence indirectly by requiring reasoned and fair decision-making. Although the consequences of adverse outcomes might be legally justified, the process of the implementation should take into account human dignity.

Comparatively, the tensions between merit-based hiring and justices to the long serving temporary personnel face similarities in the various jurisdictions where the system of employment operates. The Indian jurisprudence presented in this case is rather strict in its constitutional approach based on the norms of equality. This enhances transparency but can also require complementary legislations to counter transitional sufferings.

It is also notable that the ruling fails to weaken the law that the State has a major responsibility in ensuring that there is lawful recruitment. The reasoning implicitly confirms that authorities need to apply due diligence though there might be less relief to employees. In case the public bodies were following prescribed norms strictly at the beginning, such conflicts would hardly emerge. The case must therefore not be taken as a warning to employees alone but also a wake up call to administrative authorities of what is required of them in accordance with the constitution.

Finally, the ruling is a cautious restatement of constitutional rules on employment by the state. It does not add to or take away settled doctrine in any dramatic way, but merely employs settled law to a dispute involving facts. It contributes to strengthening the two

commitments of procedural fairness and legality. Academically, the case demonstrates a higher level of thought on the issues of administrative accountability, the extent of legitimate expectation and the human outcome of institutional anomaly.

## CONCLUSION

Shah Samir Bharatbhai & Ors v. The State of Gujarat reiterates the cornerstones of the law of public employment; that it is legal in employment recruitment, that opportunity should be equal and procedural fairness should be met. The ruling enhances rule of law and the acknowledgment of human aspects of employment conflicts. To labour law experts, the case highlights a dilemma of fair relief versus adherence to the laws of the constitution. In the case of educational institutions, it is an indication that there is the need to be very strict to adhere to regulatory norms. To administrators, it is a reminder that it is necessary to use lawful processes in order to prevent suffering and negative legal action. On the whole, the ruling is valuable to the Indian jurisprudence on employment regularization and administrative accountability.

## REFERENCE

1. Shah Samir Bharatbhai & Ors. v. State of Gujarat & Anr., R/SPECIAL CIVIL APPLICATION No. 11567 of 2018 (Gujarat High Court, Judgment dated 05 July 2023).
2. Secretary, State of Karnataka v. Umadevi (3), (2006) 4 SCC 1.
3. E.P. Royappa v. State of Tamil Nadu, (1974) 4 SCC 3.
4. Maneka Gandhi v. Union of India, (1978) 1 SCC 248.

## NOTE:

*The analysis presented herein is undertaken strictly for academic purposes. It does not seek to question the authority, integrity, or reasoning capacity of the Hon'ble Court. Judicial decisions form the backbone of constitutional governance, and scholarly engagement with such decisions is an established feature of legal research. The observations made in this comment are intended to examine the doctrinal and practical implications of the judgment in a constructive and respectful manner, consistent with the principles of judicial independence and constitutional supremacy.*