

CASE COMMENTARY ON**A.K. KRAIPAK VS UNION OF INDIA, (1969) 2 SCC 262**

(M. Hidayatullah, J.M. Shelat, K.S. Hegde, A.N. Grover, and Vashishtha Bhargava)

by

Shruti Santha Kumar

Symbiosis Law School, Hyderabad

BACKGROUND AND FACTS OF THE CASES

In 1966, the Government of India established a new All-India Service known as the Indian Forest Service (IFS) under the All-India Services Act, 1951 (All India Services Act, 1951). To staff this newly created service, the Central Government framed the Indian Forest Service (Initial Recruitment) Regulations, 1966 (Indian Forest Service Regulations, 1966). These regulations outlined that senior, qualified officers already serving within the provincial State Forest Services would be selected and integrated into the federal IFS cadre.

It is worth noting that the IFS was the third All-India Service to be created, following the Indian Administrative Service and the Indian Police Service, and its formation reflected a broader post-Independence policy of bringing provincial cadres under a unified national framework to standardise administrative and technical governance. This centralising rationale explains why lateral entrants from the State Forest Services, such as the officers competing before the Special Selection Board in this case, had such a strong stake in how the initial recruitment exercise was conducted, since selection to the IFS carried significant career and status implications.¹

For State of J&K, a special selection board had been constituted to hold interview of the candidates, to evaluate their service record and prepare a merit list of the recommended officers

¹ 'Formation and Structure of All India Services' (*PubAdmin.Institute*)

<<https://pubadmin.institute/administrative-system-at-union-level/formation-structure-all-india-services>>
accessed 19 August 2026.

for Central Civil Services Commission. This Selection Board consisted of many senior officers, one of whom was the Acting Chief Conservator of Forests for Jammu & Kashmir, Naqishbund.

A serious conflict of interest situation arose because Naqishbund was not just a selector but an applicant too. He was one of the state cadre officers seeking a permanent, coveted slot in the initial recruitment selection list for the newly formed IFS. Despite this glaring overlap of roles, Naqishbund was appointed to and remained an active member of the Special Selection Board tasked with choosing the best officers from his own state.

When the Selection Board met to hold the interviews and evaluate the candidature of the candidates:

1. Naqishbund was a member of the board, which held interviews and graded the candidatures of all state forest officers who were his competitors.
2. When it came to the turn of considering his candidature and the file of Naqishbund, he left the board and the other members of the board considered his candidature in his absence.
3. Once his evaluation was over, he joined the board again and took part in deliberations and signed the consolidated merit list prepared by the board.

Predictably enough, when the selection list was prepared, Naqishbund stood first in that list. Therefore, some senior forest officers like A.K. Kraipak and others were denied entry or given a very low ranking in the merit list and, thereby, ruining their career prospects. Aggrieved with what they thought as a pre-determined selection procedure, A.K. Kraipak and some others moved three writ petitions² in the Supreme Court under Article 32 of the Constitution of India, alleging unconstitutionality of the selections by the Board.

LEGAL ISSUES BEFORE THE COURT

A number of crucial legal issues which needed to be decided by the Supreme Court of India were as follows:

1. Whether the function performed by the Special Selection Board was an administrative function or a quasi-judicial function?

² 'A.K. Kraipak & Ors v Union of India & Ors' (*Court Kutchehry*)

<<https://www.courtkutchehry.com/judgements/645717/ak-kraipak-ors-vs-union-of-india-ors/>> accessed 19 August 2026.

2. Whether the doctrine of natural justice, particularly the principle of no bias, is applicable to administrative actions or not?

3. Whether the mere presence of a particular candidate in the selection committee made him biased in the entire selection process despite the fact that he had not attended the meetings where the decision on his own name had been taken?

4. Whether the existence of even one member who is biased or interested vitiates the entire list of recommendations or not?

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS

- **Article 32 of the Constitution of India:** Confers the right to move the Supreme Court by appropriate proceedings for the enforcement of Fundamental Rights (used by the petitioners to challenge the state's arbitrary action).
- **Article 14 of the Constitution of India:** Promises equality before the law and equal protection of the laws which by implication bars any arbitrariness, discrimination, and bias on the part of the State.
- **Article 16 of the Constitution of India:** Guarantees equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. The petitioners had specifically invoked this provision, alongside Article 14, to challenge the selection process, since a biased selection panel directly undermines equal opportunity in public employment.³
- **Section 3 of the All India Services Act, 1951:** Enabled the Central Government to formulate rules and regulations in respect of the recruitment and conditions of service of persons recruited to an All India Service.
- **Regulation 5 of the Indian Forest Service (Initial Recruitment) Regulations, 1966:** It Is Related to the Constitution of the Selection Board and the Suitability of Qualifications of the State Officers.

ARGUMENTS OF THE PARTIES

Arguments for the Petitioners (A.K. Kraipak & Others):

³ 'A.K. Kraipak v. Union of India: Reinforcing Natural Justice in Administrative Selection Processes' (*CaseMine*) <<https://www.casemine.com/commentary/in/a.k.-kraipak-v.-union-of-india:-reinforcing-natural-justice-in-administrative-selection-processes/view>> accessed 19 August 2026.

- **Breach of Natural Justice:** The appellants claimed that there was a violation of the basic principle of natural justice; "*Nemo debet esse judex in propria causa*" (No one should be the judge in his own case).
- **Apprehension of Bias:** It was their plea that since Naqishbund was a direct competitor among the others, there was a strong personal interest in reducing the marks of his competitors so that he may get the first place. The question was not one of whether Naqishbund had any influence at all upon the board, but the question was a fear of partiality in the minds of the candidates.
- **Tainted Deliberations:** They pointed out that even though Naqishbund stepped out when his own file was read, he was present during the voting, interviewing, and scoring of his rivals. This influence continued in all the other parts of the proceeding and thus influenced the other members of the board, thus making the whole list tainted.

Arguments for the Respondents (Union of India & Naqishbund):

- **"The Administrative" Defense:** The first point made by the respondents in their defense was that the Special Selection Committee was operating merely in an administrative capacity. It was claimed that the committee was merely compiling a list of recommendations for the Union Public Service Commission (UPSC), which possessed the final power to make the appointments.
- **Exception to the Principle of Natural Justice:** The respondents further maintained that, in the light of the precedents established in England and India, the principles of natural justice do not apply to administrative tribunals. An administrative body did not decide legal rights in a judicial sense, and therefore it was not bound by the principle of bias.
- **Adequate Safeguards in Place:** It was contended on behalf of the respondents that adequate safeguards had been adopted as Naqishbund had physically left the committee room while his application was being considered. Therefore, no real bias had arisen in his case. This defence rested on the assumption that mere physical absence during the discussion of one's own file is sufficient to neutralise institutional bias. Subsequent Indian administrative practice has treated this assumption with caution, with regulatory guidance on selection committees increasingly requiring members to recuse themselves

not only from the specific agenda item concerning their own candidature but from the entire proceeding where a structural conflict of interest exists.⁴

JUDGEMENT

The court bench of five judges has uniformly ruled in favour of the writ petitions, declaring the list of selection made by the Special Selection Board Null and Void.

RATIO DECIDENDI

In accordance with this ruling by the Supreme Court, the basic principle of justice demands the same behaviour from all institutions of the state, irrespective of the category under which they fall—whether "judicial," "quasi-judicial," or "administrative.". The concept of a welfare state dictates that administrative bodies wield massive discretionary powers that can make or break the lives and careers of citizens. Therefore, shielding administrative actions from the fundamental principles of fairness under the guise of nomenclature would result in total tyranny.

Speaking for the Court, Justice K.S. Hegde famously observed:

"The dividing line between an administrative power and a quasi-judicial power is quite thin and is being gradually obliterated. For determining whether a power is an administrative power or a quasi-judicial power, one has to look to the nature of the power conferred, the person or persons on whom it is conferred, the framework of the law conferring that power, the consequences ensuing from the exercise of that power, and the manner in which that power is expected to be exercised." (A.K. Kraipak v. Union of India, 1969)

As far as the question of bias is concerned, the Court did not accept the defendant's plea that Naqishbund left the room at the time when he himself was being selected. Consequently, the bestowal of protection from the principles of natural justice through the device of name will amount to nothing but absolute tyranny. Naqishbund's membership in the panel had made it possible for him to underrate his opponents. Though he did not say anything against his opponents, the very act of him judging his rivals raised reasonable fears of his bias. The Court

⁴ 'Haryana Puts GJUST EC's Meeting on Hold, Refers to "Conflict of Interest" Norms in VC Selection Process' *The Tribune* (India, 2026) <<https://www.tribuneindia.com/news/haryana/haryana-puts-gjust-ecs-meeting-on-hold-refers-to-conflict-of-interest-norms-in-vc-selection-process/>> accessed 19 August 2026.

was clear that there is no need to prove bias as it is almost impossible to prove inside a closed door discussion of the panel.

Because the panel acted as a single collective unit, the bias of one member contaminated the recommendations of the entire board, rendering the final list void.

ADMINISTRATIVE LAW PRINCIPLES INVOLVED

1. Universalization of Natural Justice (*Principles of Fairness*)

Prior to this case, natural justice was largely bound to judicial frameworks. Kraipak untethered these principles, establishing that the duty to act fairly is an omnipresent requirement. It has provided us with the insight that natural justice does not override or supplant statutory laws; rather, it assists statutory laws. Where a statute is silent on how a procedure should be conducted, the principles of fairness fill the gaps to ensure justice.

2. The Rule Against Bias (*Nemo Judex in Propria Causa*)

This judgment has helped define the limits of personal prejudice in India. Personal prejudice is something which may be unconscious and implicit. The Court decided on the 'Reasonable Apprehension of Bias' test instead of 'Real Likelihood of Bias' test (Groves, (2009)). Justice must not only be done but must manifestly be seen to be done.

The reasonable apprehension of bias standard that Kraipak entrenched has since travelled well beyond service selection disputes. It is now the operative test used to assess impartiality in Indian arbitral and other regulatory adjudication, where courts examine whether a fair-minded observer would perceive a real possibility of partiality rather than requiring proof of actual prejudice. This cross-contextual durability illustrates how a principle first articulated in a forest service recruitment dispute has become a general organising standard for institutional fairness in India.⁵

3. The Death of Strict Conceptual Dichotomy

⁵ 'Applicable Tests for Arbitrator Bias: Recent Practice in Select Common Law Jurisdictions' (*Kluwer Arbitration Blog*) <<https://legalblogs.wolterskluwer.com/arbitration-blog/applicable-tests-for-arbitrator-bias-recent-practice-in-select-common-law-jurisdictions/>> accessed 19 August 2026.

It demolished the rigid and artificial boundary between the powers of administrative action and quasi-judicial action. It held that in today's scenario, administrative authorities cannot help but do things which are quasi-judicial in nature (for example, assessing merit, weighing of records, and rejection of applicants). Procedural fairness should thus be determined by the function and not the label.

CRITICAL ANALYSIS OF THE PAPER

The judgment in A.K. Kraipak is widely heralded as a masterstroke of judicial activism that prevented the executive branch from hiding behind semantics. In holding administrative selection panels liable to the rule against bias, the apex court ensured that cronyism and nepotism do not prevail in public employment. But if one were to analyse the judgment with an intensely technical perspective in mind, some nuances emerge:

The Problem of Practicality: At that point, some critics were of the opinion that giving application of natural justice the same coverage as every administrative decision might have slowed down the processes of the state apparatus. This was because it may have been possible to bring into court all the administrative tribunals, local bodies, or universities on any "reasonable apprehension of bias." This concern was not merely speculative. Writ petitions challenging individual appointments, promotions, and other service-related grievances have long formed a substantial share of the civil litigation filed before Indian High Courts, and an expansive, easily invoked bias standard does carry a real risk of adding to this volume of litigation in an already overburdened court system.⁶

Absence of clear statutory redirection: Though there was no explicit formulation provided for determining when an action turns into administrative action or quasi-judicial action, the Court stated that it would depend upon the "consequences ensuing from the exercise of that power". This gives great room for justice, but it also means that the lower courts must consider the entire contextual matrix in order to determine the applicability of natural justice to each case. This uncertainty is compounded by the fact that India, unlike several other common law jurisdictions, has never enacted a general administrative procedure statute codifying the standards that public bodies must follow. In the continued absence of such a framework, courts are left to develop and apply these standards case by case through judicially fashioned

⁶ 'Judicial Pendency in India' (*Data For India*) <<https://www.dataforindia.com/pendency/>> accessed 19 August 2026.

principles of natural justice, which sustains the very unpredictability that this criticism identifies.⁷

These minor criticisms notwithstanding, the proactive attitude of the judgment far outweighed its risks. It successfully brought the burgeoning corporate and administrative powers of the state under the rule of law, ensuring that efficiency is never bought at the price of basic human fairness.

CONTEMPORARY RELEVANCE OF THE DECISION

A.K. Kraipak, decided nearly five decades back, is still very much alive in modern Indian jurisprudence. Its principles are often relied on to tackle modern-day administrative problems:

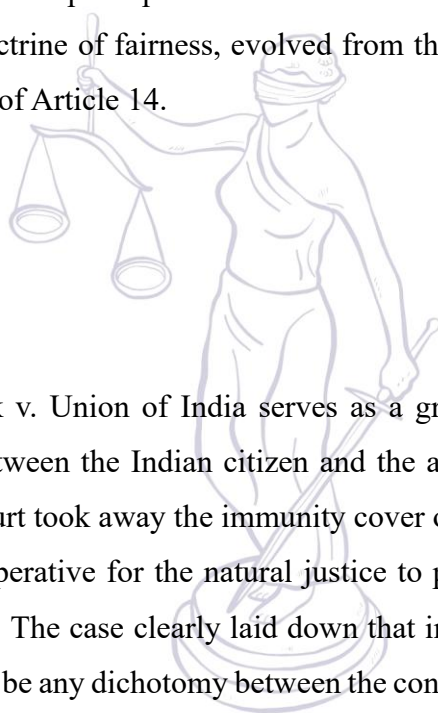
- **Modern Public Sector Recruitment:** All public sector interview panels, civil services boards (UPSC) and university selection boards in India have A.K. Kraipak lurking over them. If a panel member's relative or close associate is appearing for an interview, that member must formally recuse themselves entirely from the board for that duration to prevent the selection from being struck down under the *Kraipak* precedent. This concern is not merely academic. In 2026, the Haryana government directed a state university to postpone an Executive Council meeting and comply with Central guidelines requiring any Vice-Chancellor seeking a second term, or any council member aspiring to the post, to recuse themselves from the process of constituting the very search committee that would select candidates for the position, precisely the kind of overlapping role that Kraipak condemned.⁸
- **Corporate Governance & Tender Allocations:** The principles from this case have jumped from government jobs into public procurement, infrastructure tenders, and corporate allocations. In case there is a multi-billion contract from the government side, then the case law comes into picture in order to ensure that the officials who participate in the making of allocation criteria do not have any vested interest in the bidders. A recent illustration is the Research Development and Innovation Fund, where the government had to publicly defend its investment committee against allegations that several members held personal stakes in companies shortlisted for funding, clarifying

⁷ Raeesa Vakil, 'Constitutionalizing Administrative Law in the Indian Supreme Court: Natural Justice and Fundamental Rights' (2018) 16(2) *International Journal of Constitutional Law* 475.

⁸ 'Haryana Puts GJUST EC's Meeting on Hold, Refers to "Conflict of Interest" Norms in VC Selection Process' *The Tribune* (India, 2026) <<https://www.tribuneindia.com/news/haryana/haryana-puts-gjust-ecs-meeting-on-hold-refers-to-conflict-of-interest-norms-in-vc-selection-process/>> accessed 19 August 2026.

that members with a declared interest were required to recuse themselves from discussions and voting on the affected proposals. The episode shows that the safeguard Kraipak insisted upon, namely visible institutional separation between selector and selected, remains a live administrative concern well outside the original context of civil service recruitment.⁹

- **Extending Article 14:** The case of Kraipak was the stepping stone for the groundbreaking *E.P. Royappa v. State of Tamil Nadu (1974)*, (*E.P. Royappa v. State of T.N., 1974*) where the principle of arbitrariness is considered the sworn enemy of Article 14. The doctrine of fairness, evolved from the case of Kraipak, now stands as the main principle of Article 14.



CONCLUSION

The case of A.K. Kraipak v. Union of India serves as a great landmark, which completely redefined the equation between the Indian citizen and the administrative state. Through this decision, the Supreme Court took away the immunity cover of "administrative label" from the executive and made it imperative for the natural justice to permeate into the very texture of day-to-day administration. The case clearly laid down that in a democracy where the Rule of Law prevails, there cannot be any dichotomy between the concept of fair treatment in the courts and that in the administrative offices. It is to be kept in mind that however wide or discretionary the administrative powers may be, they have to be exercised with pure hands and pure mind.

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⁹ 'Govt Defends RDI Fund Selection Process, Cites Conflict-of-Interest Safeguards' *The Tribune* (India, 2026) <<https://www.tribuneindia.com/news/india/govt-defends-rdi-fund-selection-process-cites-conflict-of-interest-safeguards/amp>> accessed 19 August 2026.

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