



**IN THE HIGH COURT OF KARNATAKA,
AT DHARWAD**

DATED THIS THE 19TH DAY OF AUGUST, 2025

PRESENT

THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A.PATIL

WRIT APPEAL NO. 100200 OF 2025 (S-RES)

BETWEEN:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS PRL SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION AND
LITERACY, GOVERNMENT OF KARNATAKA,
2ND GATE, 6TH FLOOR, M. S. BUILDING,
DR. AMBEDKAR VEEDHI, BENGALURU-560001.
2. THE ADDL. COMMISSIONER,
DEPARTMENT OF PUBLIC INSTRUCTION,
RODDA RASTE, DHARWAD-580008.
3. THE DEPUTY DIRECTOR,
DEPARTMENT OF PUBLIC INSTRUCTION,
RODDA RASTE, DISTRICT-580008.
4. THE BLOCK EDUCATION OFFICER,
RAMADURGA, DISTRICT: BELAGAVI-591123.
5. THE DEPUTY DIRECTOR OF PUBLIC



INSTRUCTION, BELAGAVI CLUB ROAD,
TQ. AND DIST. BELAGAVI-590001.

...APPELLANTS

(BY SRI. V. S. KALASURMATH, AGA)

AND:

1. SMT. RUPASHREE MANE
D/O. LATE KIRAN ANAPPA PUJERI,
AGE: 42 YEARS, OCC: HOUSEHOLD,
R/O. SHINDIG KORBET, TQ. GOKAK,
DISTRICT: BELAGAVI-591310.
2. THE HEAD MASTER,
RAMESHWAR SECONDARY SCHOOL,
HULKUND, RAMADURGA,
DISTRICT: BELAGAVI-591123.

...RESPONDENTS

(BY SRI. PRASHANT F. GOUDAR, ADV. FOR R1)

THIS WRIT APPEAL IS FILED U/S.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE JUDGMENT DATED 18.09.2024 PASSED BY THE LEARNED SINGLE JUDGE IN W.P. NO. 105399/2024 (S-RES) AND ETC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV
AND
THE HON'BLE MR. JUSTICE VIJAYKUMAR A.PATIL



ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV)

The present appeal by the State seeks to set aside the order of 18.09.2024 passed in W.P.No.105399/2024. In the aforesaid order passed in the writ petition, the petition filed by the legal representative of a deceased employee seeking compassionate appointment came to be allowed with a direction to the employer-State to consider representation and pass orders within a period of two months.

2. Learned Single Judge has considered all contentions in detail and set-aside the endorsement issued by the employer at Annexure-A. The endorsement at Annexure-A was to the effect that the application filed by the daughter could not be considered under the Rules governing compassionate appointment as the daughter was married as on the date of filing the application. The said endorsement was set-aside by the learned Single Judge, taking note of the law laid down in ***Smt. Bhuvaneshwari V. Puranik V/s The State of Karnataka, Department of***



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reported in ***ILR 2021 KAR 5256***, wherein the Court had set-aside the disqualification on a married daughter seeking appointment while setting aside the rules. The learned Single Judge taking note of the law laid down in ***Bhuvaneshwari's*** case referred *supra* has observed that the disqualification was no longer in operation and accordingly, set-aside the endorsement.

3. It was contended by the State that as on the date of filing of the application, the rules in force did not provide for a married daughter seeking compassionate appointment. It was submitted that the learned Single Judge did not take note of the same as well as failed to notice that the judgment in ***Bhuvaneshwari's*** case was on 15.12.2020, while the application was on 03.04.2013. Accordingly, it is held that the learned Single Judge has grossly erred in passing the order.



4. It is to be noticed that the law as on the date of application being considered is the Rule that has to be taken note of. This would be the position taking note of the law laid down by the Hon'ble Apex Court in the case of **N.C. Santhosh V/s State of Karnataka and Others**, reported in **(2020) 7 SCC 617**. The observation at paragraph No.19 would be of relevance and reads as follows:

"19. *Applying the law governing compassionate appointment culled out from the above cited judgments, our opinion on the point at issue is that the norms, prevailing on the date of consideration of the application, should be the basis for consideration of claim for compassionate appointment. A dependant of a government employee, in the absence of any vested right accruing on the death of the government employee, can only demand consideration of his/her application. He is, however, disentitled to seek consideration in accordance with the norms as applicable, on the day of death of the government employee."*

5. In light of the same, it is the law governing as on the date of taking of decision that has to be taken note of.



If that were to be so, the decision of ***Bhuvaneshwari's*** case referred *supra* rendered on 15.12.2020 would be the law in force. Further, it must be noticed that taking note of ***Bhuvaneshwari's*** case, there was an amendment on 09.04.2021 to the Karnataka Civil Services (Appointment on Compassionate Grounds) (Amendment Rules) 2021. In terms of the said amendment made to Rule 2(1) of the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules 1996, the dependant of a deceased Government servant includes a daughter who is also married. If that were to be so, we find no reason to interfere with the order of the learned Single Judge. Feeble attempt was made by the counsel for the State stating that the application was filed beyond time. However, it is a matter of record that the applicant had on 29.10.2010 within one year from the date of death of her father, filed a petition requesting the State not to grant any retirement benefits including appointment on compassionate grounds till the civil suit *interse* between the legal heirs was settled.



The application though made on 03.04.2013 later could be construed to be dating back to 29.10.2010 when the first petition was made by the applicant to the employer. Accordingly, the contention of the State in that regard requires to be rejected, while also observing that the judgment in ***Bhuvaneshwari's*** case, vesting a substantive right to a married daughter, later incorporated in an amendment is a benefit that needs to be extended. Accordingly, the contention of the State, we find to be technical and is rejected on that ground. Accordingly, the appeal stands rejected. Necessary decision to be taken by the respondent/State in terms of the direction of the learned Single Judge within a period of three months.

Sd/-
(S.SUNIL DUTT YADAV)
JUDGE

Sd/-
(VIJAYKUMAR A.PATIL)
JUDGE

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