



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 27TH DAY OF MARCH 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO. 100168 OF 2024 (S-RES)

BETWEEN:

1. THE PRINCIPAL SECRETARY,
GOVERNMENT OF KANATAKA,
EDUCATION DEPARTMENT,
BENGALURU-560001, AT: BENGALURU.
2. THE DIRECTOR,
DEPARTMENT OF PRE-UNIVERSITY EDUCATION,
SAMPIGE RASTE, 18TH CROSS,
MALLESHWARAM, BENGALURU-560003.
3. THE DEPUTY DIRECTOR,
DEPARTMENT OF PRE-UNIVERSITY EDUCATION,
BELAGAVI-590001.

...APPELLANTS

(BY SRI. SHARAD V. MAGADUM, ADVOCATE)

AND:

1. SHRI PARAMANANAD
S/O. HANAMANTAPPA YADAL @ YARADAL,
AGE: 30 YEARS, OCC: NIL,
POST: MURGOD-591119,
TQ: SAUNDATTI
DIST: BELAGAVI.

Digitally signed by
VIJAYALAKSHMI M
KANKUPPI

Location: HIGH
COURT OF
KARNATAKA



2. THE PRINCIPAL
S.M. COMPOSITE PU COLLEGE
MURGOD-591119
DISTRICT: BELAGAVI.

...RESPONDENTS

(BY SMT. SHAILA BELLIKATTI, ADVOCATE FOR R1)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961 PRAYING TO CALL FOR RECORDS; QUASH THE JUDGMENT DATED 23.11.2022 PASSED BY THE LEARNED SINGLE JUDGE IN W.P.NO. 104840/2021 (S-RES) AND ETC.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING THIS DAY, THE JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

ORAL JUDGMENT

(PER: THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. We have heard Mr Sharad V Magadum, learned Additional Government Advocate, appearing on behalf of the appellants and Smt Shaila Bellikatti, learned counsel appearing on behalf of the respondent No.1.

2. For the reasons stated in the application, I.A.No.2/2024, the same is allowed, and the delay in filing the appeal is condoned.



3. The appellants have filed the present appeal impugning the order dated 23.11.2022 [**impugned order**] passed by the learned Single Judge in Writ Petition No.104840/2021 (S-RES). Respondent No.1 had filed the said writ petition, *inter alia*, impugning an order dated 08.03.2021 passed in Revision Petition No. 224/2019.

4. The learned Single Judge had allowed the said writ petition, accepting that the delay in submitting the application for compassionate appointment was explained. A plain reading of the impugned order indicates that whilst the learned Single Judge accepted that the application for compassionate grounds must be made within a period of one year from the demise of the Government servant in terms of Rule 5 of the Karnataka Civil Services (appointment on compassionate grounds) Rules, 1996 [**the Rules**], the said provision was sidestepped. The learned Single Judge held that the delay does not imply that the condition of the family had improved and allowed the petition solely on this reasoning.

5. The facts are not in dispute. Respondent No.1 is the son of Sri Hanamantappa Shedeppa Yardal, who was serving as a lecturer in respondent No. 4 College. He expired on 03.12.2016, succumbing to



the cancer while in service. Respondent No.1 was eligible to apply for appointment on compassionate grounds but he did not apply for such appointment within the period as stipulated – one year from the date of demise – under Rule 5 of the Rules. He states that he became aware of his entitlement to such a benefit subsequently, and accordingly, he made an application on 03.12.2018.

6. Respondent No.4 forwarded the said application to respondent No.3 [**Deputy Director, Department of Pre-University Education, Belagavi**] on 28.12.2019. It is averred in the petition that the respondent no. 1's family suffered another tragedy during the month of December 2018, and his younger brother met with an accident and had to undergo surgery.

7. Respondent No.2 passed an order dated 22.04.2019 rejecting this respondent No.1's application for appointment on compassionate grounds. This was for the sole reason that respondent No.1 had not filed an application within the stipulated period of one year.

8. Aggrieved by the same, respondent no.1 preferred revision petition (Revision Petition No.224/2019) under Section 131 of the



Karnataka Education Act, 1983. The said revision petition was rejected by order dated 08.03.2021. Aggrieved by the same, respondent No.1 preferred writ petition (Writ Petition No.104840/2021), which was allowed by the impugned order.

9. Rule 5 of the Rules is relevant and is set out below:

“5. Application for appointment:- Every dependent of a deceased Government Servant, seeking appointment under these rules shall make an application within one year from the date of death of the Government Servant, in such form, as may be notified by the Government, from time to time, to the Head of the Department under whom the deceased Government Servant was working.

Provided that, in case of a minor he must have attained the age of eighteen years within two years from the date of death of the Government servant and he must make an application within two years thereafter.”

10. A plain reading of the said Rule indicates that an application for appointment on compassionate grounds can be made only within one year. There is no provision for condoning the delay in filing such an application. Although the averments made in the writ petition indicate that the financial conditions of respondent No.1's family were under serious strain. We are unable to accept that an order can be passed contrary to the statute.



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11. In view of the above, the impugned order cannot be sustained.

The same is set aside. The appeal is, accordingly, allowed.

12. The pending application is also disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(GEETHA K.B.)
JUDGE**

SH
CT-MCK
LIST NO.: 1 SL NO.: 12