



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201135 OF 2026 (S-RES)

BETWEEN:

SRI SHIVAPUTRA S/O DURAGAVVA,
AGED ABOUT 29 YEARS,
OCCU UN-EMPLOYEE,
R/O NO.#48, KARADAKAL VILLAGE,
TQ. LINGASUGUR, DIST RAICHUR 584122.

...PETITIONER

(BY SRI. ARUNKUMAR AMARGUNDAPPA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPT BY ITS UNDER SECRETARY,
DEPARTMENT OF PERSONNEL
AND ADMINISTRATIVE REFORMS
(SERVICE RULES AND SPECIAL CELL),
VIDHAN SOUDHA, BENGALURU 560001.
2. THE DIRECTOR
DIRECTORATE OF MUNICIPAL
ADMINISTRATION,
9TH AND 10TH FLOOR,
VISHVESHWAIAH TOWER,
AMBEDKAR ROAD,
SAMPANGI RAMA NAGAR,
VASANTH NAGAR,
BENGALURU 560001.





3. THE DEPUTY COMMISSIONER,
RAICHUR, DIST RAICHUR 584101.
4. THE PROJECT DIRECTOR,
DISTRICT URBAN DEVELOPMENT CELL,
OFFICE OF DEPUTY COMMISSIONER,
RAICHUR, DIST RAICHUR -584101.
5. THE CHIEF OFFICER
TOWN MUNICIPAL COUNCIL,
LINGASGUR, DIST. RAICHUR 584101.

...RESPONDENTS

(BY SRI. VEERANAGOUDA M.BIRADAR, AGA FOR R1 TO R4;
NOTICE TO R5 IS SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, BY THE ADVOCATE FOR PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ISSUE A WRIT OF CERTIORARI AND MANDAMUS AND GRANT ANY OTHER APPROPRIATE WRIT IN THE FOLLOWING TERMS : A) TO SET ASIDE THE IMPUGNED ENDORSEMENT BEARING FILE NO.DCRAI-PDOADMI/220/2022-PD (UD) - RAICHUR/359 DATED 12.08.2025 ISSUED BY THE 3RD RESPONDENT VIDE ANNEXURE-F; B) ISSUE A WRIT IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENTS TO CONSIDER THE CLAIM OF THE PETITIONER UNDER AN APPLICATION DATED 15.05.2015 AND PROVIDE APPOINTMENT ON COMPASSIONATE GROUND AS REQUESTED IN THE SUBSEQUENT REPRESENTATION DATED 29.08.2022 VIDE ANNEXURE-E1; C) ANY OTHER WRIT OR DIRECTION IN THE NATURE OF WRIT WHICH THIS HONOURABLE COURT DEEMS FIT TO GRANT IN THE FACTS AND CIRCUMSTANCES OF THE CASE MAY KINDLY BE GRANTED INFAVOUR OF THE PETITIONER, IN THE ENDS OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY



ORAL ORDER

This writ petition under Article 226 and 227 of the Constitution of India is filed seeking for the following reliefs :

To issue a writ of certiorari and mandamus and grant any other appropriate writ in the following terms :

- a) To set aside the impugned endorsement bearing file No.DCRAI-PDOADMI/220/2022-PD (UD) -Raichur/359 dated 12.08.2025 issued by the 3rd respondent vide Annexure-F;
- b) Issue a writ in the nature of mandamus directing the respondents to consider the claim of the petitioner under an application dated 15.05.2015 and provide appointment on compassionate ground as requested in the subsequent representation dated 29.08.2022 vide Annexure-E1;
- c) Any other writ or direction in the nature of writ which this Hon'ble court deems fit to grant in the facts and circumstances of the case may kindly be granted infavour of the petitioner, in the ends of justice and equity.

2. Heard the learned counsel for the parties.

3. Petitioner is the adopted son of Smt.Durgavva who was working as a Poura Karmika with the 5th respondent-Town Municipal Council, Lingasugur. Smt.Durgavva had died in harness on 25.12.2014 and



petitioner being her sole legal heir had thereafter filed an application on 15.05.2015 before the 5th respondent seeking appointment to a suitable post on compassionate ground. The said application has been now rejected by the 3rd respondent vide impugned endorsement at Annexure-F dated 12.08.2025, placing reliance on Rule 3 of the Karnataka Civil Services (Appointment on Compassionate Ground) Rules, 1966 (for short, the Rules, 1966). Aggrieved by the same, the petitioner is before this Court.

4. Learned counsel for the petitioner submits that Rule 3 of the Rules, 1966 has been omitted with effect from 31.05.2021. Therefore, as on the date of impugned endorsement, the 3rd respondent was not justified in placing reliance on the said Rules, 1966 which was already omitted. He submits that petitioner who is the adopted son of Smt.Durgavva has received all her death benefits on the strength of succession certificate issued to him by the competent Court in P & SC No.1/2018 vide Annexure-D. He accordingly, prays to allow the petition.



5. *Per contra*, learned Additional Government Advocate has opposed the petition on the ground that as on date of application, Rule 3 of the Rules, 1966 was in force and therefore the authorities are justified in rejecting the petitioner's application. Accordingly, he prays to dismiss the petition.

6. Petitioner's mother-Durgavva who was working as a Pura Karmika had died in harness on 25.12.2014. The petitioner who was minor as on the date of death of his mother, had filed an application seeking appointment on compassionate ground immediately after he attained the age of majority. Though the said application was filed on 15.05.2015, the competent authorities had not considered the same for nearly five years. The said application was subsequently forwarded by the 5th respondent to the 4th respondent under communication dated 26.03.2020 vide Annexure-E along with service records of deceased Smt.Durgavva. It appears that thereafter the 2nd respondent to whom the proposal was



forwarded has addressed a communication to the Deputy Commissioner vide Annexure-C1 dated 24.03.2023 informing him to reject the petitioner's application for compassionate appointment, since he was the adopted son of deceased Smt.Durgavva. The impugned endorsement at Annexure-F was subsequently issued on 12.08.2025 by the Deputy Commissioner based on the communication found at Annexure-C1 issued by the 2nd respondent.

7. As rightly appointed by the learned counsel for the petitioner, Rule 3 of the Rules, 1996 was omitted with effect from 31.05.2021 and therefore as on the date of the communication at Annexure-C1 dated 24.03.2023 issued by the 2nd respondent and the endorsement at Annexure-F dated 12.08.2025 issued by the 3rd respondent- Deputy Commissioner, Rule 3 of the Rules 1996 was not in existence. Therefore, respondent Nos.2 and 3 were not justified in issuing the impugned communication at Annexure-C1 dated 24.03.2023 and the impugned endorsement dated 12.08.2025 at Annexure-F.



8. The Division Bench of this Court in **W.A.No.100362/2022** disposed of on **04.11.2022** in the case of ***Girish* vs. *State of Karnataka*** has held that even adopted son is entitled for compassionate appointment. In the said case, the order passed by the learned Single Judge was set-aside after taking into consideration that the amendment to the Rules, 1966 was not brought to the notice of the learned Single Judge who had dismissed the writ petition filed by the adopted son.

9. Under the circumstances, I am of the opinion that the communication at Annexure-C1 dated 24.03.2023 issued by 2nd respondent and the impugned endorsement at Annexure-F dated 12.08.2025 issued by the 3rd respondent cannot be sustained. Accordingly, following order :

- i. The writ petition is ***allowed***.
- ii. The communication at Annexure-C1 dated 24.03.2023 issued by 2nd respondent and impugned endorsement at Annexure-F dated



12.08.2025 issued by 3rd respondent are quashed and respondent Nos.2 and 3 are directed to consider the application of the petitioner for compassionate appointment on merits as expeditiously as possible but not later than a period of two months from the date of receipt of copy of this order.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

SN
List No.: 1 Sl No.: 5