



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 203207 OF 2023 (S-RES)

BETWEEN:

1. SMT. ARUNADEVI W/O LATE JAGANNATH
AGE: 53 YEARS
OCC: HOUSE HOLD
2. LINGARAJ S/O LATE JAGANNATH,
AGE: 30 YEARS, OCC: NIL
3. TRUPTI D/O LATE JAGANNATH
AGE: 29 YEARS, OCC: NIL

ALL R/O #3-999/2,
DARGA ROAD,
OPP. DR. PATANGE HOSPITAL,
KALABURAGI.

Digitally signed by
SWETA KULKARNI
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI P. VILAS KUMAR, SENIOR COUNSEL FOR
SRI NITESH PADIYAL, ADVOCATE)

AND:

1. THE CHAIRMAN
CANARA BANK,
HEAD OFFICE, 6648,
112, JC ROAD,
P.B. HALSURPETE,
NAGARATHPETE,
BENGALURU-560001.



2. THE CANARA BANK
CIRCLE OFFICE,
HMR SECTION,
HUBBALLI.
3. THE REGIONAL MANAGER
CANARA BANK,
B.NO. 83, 1ST FLOOR,
KHUBA COMPLEX,
STATION ROAD,
KALABURAGI-585102.
4. THE ASST. GENERAL MANAGER
CANARA BANK,
KALABURAGI REGIONAL OFFICE,
KALABURAGI-585102.
5. THE DEPUTY GENERAL MANAGER
CANARA BANK (PERSONAL MANAGEMENT ACTION),
HUMAN RESOURCES WING,
112, JC ROAD,
BENGALURU-560002.
6. RAVIRAJ S/O LATE JAGANNATH MAVANOOR,
AGE: 25 YEARS, OCC: SERVICE,
R/O PHASE-I, HINJAWADI,
MUKAINAGAR, PUNE.

...RESPONDENTS

(BY SRI SHARANABASAPPA M. PATIL, ADV. FOR R1 TO R5;
SRI VARUN PATIL, ADVOCATE FOR R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO I) ISSUE A WRIT OF CERTIORARI FOR QUASHING THE IMPUGNED ENDORSEMENT ISSUED BY RESPONDENT NO.4 VIDE NO. COHUB/HRM/CG/37305/937/2023 DATED 15-09-2023 WHICH IS AT ANNEXURE-A AND ANOTHER IMPUGNED ENDORSEMENT ISSUED BY RESPONDENT NO.5 VIDE NO.HRWPM/3B/8901/2023/SS DATED 25-10-2023 WHICH IS AT ANNEXURE-B; II) CONSEQUENTLY, ISSUE A WRIT OF MANDAMUS DIRECTING



THE RESPONDENT NOS. 1 TO 3 TO APPOINT THE PETITIONER NO.2 ON COMPASSIONATE GROUNDS DUE TO DEATH OF LATE JAGANNATH S/O. KARABASAPPA MAVANOOR TO ANY SUITABLE POST; III) ISSUE ANY ORDER OR WRIT OR ISSUE ANY OTHER ORDER AS DEEMED FIT BY THE COURT.

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

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

ORAL ORDER

Petitioners are before this Court in this Writ Petition filed under Articles 226 and 227 of the Constitution of India seeking for the following reliefs:

"i) Issue a writ of certiorari for quashing the impugned endorsement issued by respondent no.4 vide no. COHUB/HRM/CG/37305/937/2023 dated 15-09-2023 which is at Annexure-A and another impugned endorsement issued by respondent no.5 vide No.HRWPM/3B/ 8901/2023/SS dated 25-10-2023 which is at Annexure-B;

ii) Consequently, issue a writ of mandamus directing the respondent Nos.1 to 3 to appoint the petitioner No.2 on compassionate grounds due to death of late Jagannath S/o. Karabasappa Mavanoor to any suitable post;

iii) Issue any order or writ or issue any other order as deemed fit by the court."

2. Heard the learned counsel for the parties.



3. Husband of petitioner No.1 and father of petitioner Nos.2 and 3, namely late Jagannath had died in harness on 14.09.2020. Thereafter, petitioner No.2 had filed an application on 01.12.2021 seeking suitable appointment on compassionate ground and the same was rejected by the competent authority. Respondent No.4 vide the impugned communication at Annexure-A dated 15.09.2023 had informed the petitioner No.2 that his request for compassionate appointment was rejected. It is under these circumstances, the petitioners are before this Court.

4. Learned Senior Counsel for the petitioner submits that application seeking compassionate appointment was filed in time. Respondent No.6 who is the brother of petitioner Nos.2 and 3 has parted from the family and is residing separately at Pune. Petitioners were completely depending on the income of the deceased for their livelihood. The competent authority has not assigned any good reason for rejecting the prayer of petitioner No.2



except stating that the financial condition of the dependant family is satisfactory.

5. *Per contra*, learned counsel for respondents, who has filed statement of objections, submits that the family of the deceased had received a substantial amount from the bank after the death of late Jagannath. He submits that petitioner No.1 is also drawing family pension of Rs.28,714/- and it is under these circumstances, the application seeking compassionate appointment was rejected.

6. Reading of the impugned communication at Annexure-A dated 15.09.2023 would go to show that except stating that the competent authority had found that the financial condition of the dependant family is satisfactory and therefore, the request for compassionate appointment is being rejected, no other grounds or reasons are mentioned for rejection of the application seeking appointment on compassionate ground. The basis



for arriving at the conclusion that the financial condition of the dependant family is satisfactory is also not spelled out in the said communication.

7. Learned counsel for the respondents has tried to place reliance on the statement of objections filed on behalf of the respondents in support of the impugned communication. The respondents cannot be permitted to place reliance on the statement of objections or an affidavit filed by them to substitute the reasoning or to provide reason in support of the impugned communication and the law in this regard has been made out by the Hon'ble Supreme Court in the case of ***Mohinder Singh Gill and Anr. vs. Chief Election Commissioner and Ors.*** reported in ***(1978) 1 SCC 405***. In para-8 of the said judgment it has been observed as follows:

"8. The second equally relevant matter is that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time it comes to court on account of a



challenge, get validated by additional grounds later brought out. We may here draw attention to the observations of Bose, J. in Gordhandas Bhanji [Commr. of Police, Bombay v. Gordhandas Bhanji, 1951 SCC 1088 : AIR 1952 SC 16] :

"Public orders, publicly made, in exercise of a statutory authority cannot be construed in the light of explanations subsequently given by the officer making the order of what he meant, or of what was in his mind, or what he intended to do. Public orders made by public authorities are meant to have public effect and are intended to affect the actings and conduct of those to whom they are addressed and must be construed objectively with reference to the language used in the order itself."

Orders are not like old wine becoming better as they grow older."

8. Under the circumstances, on this short ground, the impugned communication is liable to be set aside and the matter is required to be remitted to the competent authority to consider the application of petitioner No.2 seeking compassionate appointment afresh and pass appropriate orders on the same after granting an opportunity of hearing to him. Accordingly, the following:

ORDER

(i) The Writ Petition is ***allowed***.



- (ii) The impugned communication/endorsement at Annexure-A dated 15.09.2023 and at Annexure-B dated 25.10.2023 issued by respondent Nos.4 and 5 herein are quashed.
- (iii) The Competent Authority is directed to consider the application of petitioner No.2 seeking compassionate appointment afresh and pass appropriate orders on the same in accordance with law, as expeditiously as possible, but not later than a period of three months from the date of receipt of copy of this order.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE