



HC-KAR

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 13TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

WRIT APPEAL NO.100548 OF 2024 (S-RES)

BETWEEN:

SMT. LAXMI D/O. LATE NAGAPPA KITTUR
W/O. SHIVANAND MARIKATTI,
AGE: 42 YEARS, OCC: HOUSEHOLD WORK,
R/O. VIVEKANAND NAGAR,
COURT CIRCLES HUKKERI,
DISTRICT: BELAGAVI,
NOW RESIDING AT PLOT NO. 16,
RENUKA NAGAR, KANABARGI ROAD,
BELAGAVI-590016.

...APPELLANT

(BY SRI. H.M.DHARIGOND, ADVOCATE)

AND:

1. THE REGISTRAR GENERAL
HIGH COURT OF KARNATAKA,
BENGALURU-560001.
2. THE ASSISTANT REGISTRAR
HIGH COURT OF KARNATAKA,
BENGALURU-560001.
3. THE PRINCIPAL DISTRICT
AND SESSIONS JUDGE,
BELAGAVI, DISTRICT: BELAGAVI-590001.





4. THE CHIEF ADMINISTRATIVE OFFICER
DISTRICT COURT BELAGAVI,
DISTRICT: BELAGAVI-590001.
5. THE CIVIL JUDGE AND JMFC
HUKKERI COURT HUKKERI,
DISTRICT: BELAGAVI-591309.

...RESPONDENTS

(BY SRI. MALLIKARJUNSWAMY B.HIREMATH, ADVOCATE)

THIS WRIT APPEAL IS FILED U/S.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING THIS HON'BLE COURT TO, ALLOW THE APPEAL AND SET ASIDE THE IMPUGNED ORDER DATED. 21-02-2024 PASSED BY LEARNED SINGLE JUDGE IN W.P. NO. 103661/2021 AND ALLOW THE WRIT PETITION FILED BY THE APPELLANT HEREIN IN ENTIRETY, IN THE INTEREST OF JUSTICE AND EQUITY; AND ETC.

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

CORAM: THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD
AND
THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANAVAR



ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR)

This writ appeal is directed against the order dated 21.02.2024 passed by the learned Single Judge in W.P.No.103661 of 2021.

2. Heard learned counsel for the appellant -petitioner and learned counsel for respondents.

3. Learned counsel for the appellant would contend that the appellant's father was a at tender serving under respondent No.4 and he died in harness on 21.06.2005. The appellant -petitioner as daughter submitted representation requesting for grant of employment on compassionate grounds. The appellant -petitioner's application came to be rejected on the ground that there is no provision to consider married daughter for providing appointment on compassionate grounds. He contended that even the married daughter has now been considered as dependant and the amended Rules provides for appointment of married daughter



on compassionate ground. With this, he prays to allow the writ appeal.

4. Learned counsel for respondents would contend that the application filed by the appellant -petitioner earlier came to be rejected on the ground that she is married daughter residing with her husband in her husband's family and Rules does not provide for appointment of a married daughter on compassionate grounds. The said application was considered and it came to be rejected and a communication dated 21.11.2007 has been made by respondent No.1 to respondent No.4. In turn respondent No.4 had made a communication to respondent No.5 to intimate the rejection of the application filed by the appellant -petitioner. Respondent No.5 has issued notice dated 15.12.2007 (annexure-3) to the appellant -petitioner. The said notice has been served personally on the appellant -petitioner on 26.12.2007 and the report is at annexure -R4. The appellant -petitioner suppressing the said rejection of her application has filed W.P.No6430/2008 (annexure-R6). But in the said writ petition, the appellant -petitioner has not



disclosed rejection of her application for compassionate grounds and only contending that her application is pending consideration and as she got issued legal notice on 08.12.2007, a prayer has been made to consider the case of the appellant -petitioner for appointment on compassionate grounds. The appellant -petitioner has not challenged earlier rejection of her application, which has been communicated to her on 26.12.2007 i.e., prior to filing of the writ petition on 12.02.2008. The Writ Court has considered the case of the appellant -petitioner on merits and held that the appellant -petitioner is not entitled for appointment on compassionate ground as she being a married daughter and she has not made out grounds for appointment on compassionate ground. With this, he prayed to dismiss the writ appeal.

5. Having heard learned counsels, we have perused the impugned order passed by the writ Court and other materials placed on record.

6. The father of the appellant -petitioner who was working as an attender under respondent No.4 died in harness on 21.06.2005. The appellant -petitioner made a



representation requesting to grant employment on compassionate ground. The service record indicated that the appellant -petitioner is a married daughter. Considering the said aspect, respondent No.1 made communication dated 21.11.2007 to respondent No.3 communicating rejection of the application of the appellate -petitioner since, the applicant -petitioner is a married daughter as declared by the deceased official in his service register and it is contrary to Rule 3 of Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996. Respondent No.4 communicated the said rejection of the application of the appellant -petitioner to respondent No.5 by communication dated 04.12.2007 and returning all the documents submitted by the appellant -petitioner. Respondent No.5 sent a notice to the appellant -petitioner dated 15.12.2007 intimating rejection of her application seeking appointment on compassionate ground and directing to collect the original marks cards. The said notice is at annexure-R3. The said notice has been served as per endorsement and report of the process server on the appellant -petitioner on 26.12.2007



vide annexure -R4. The appellant -petitioner has collected her documents and made endorsement on annexure -R2 in January -2008. The appellant -petitioner suppressing the earlier rejection has filed writ petition on 15.04.2008 vide annexure -R5. In the said petition (annexure -R5), the appellant -petitioner has not stated regarding rejection of her application for appointment on compassionate ground and it's communication on her on 26.12.2007. The appellate -petitioner, only submitting that her application for appointment on compassionate grounds is pending and it has not been considered and no communication was made to her and therefore, she got issued a legal notice on 08.12.2007 for considering her case for appointment on compassionate ground. Considering the said prayer, writ Court in W.P.No.6430/2008 has disposed of the said petition giving liberty to the appellant -petitioner to make a fresh representation to the respondent No.3 - Principal District and Sessions Judge, Belagavi for appointment on compassionate ground and the respondent shall consider the same in accordance with law keeping in mind the earlier



letters written by the appellant -petitioner. The appellant -petitioner again filed representation dated 07.11.2015 to consider her case for appointment on compassionate ground. In that she has stated that her prior application has been rejected. The representation of the petitioner has been processed and again it was rejected by communication dated 05.05.2016 by respondent No.1 to respondent No.3 (annexure -R). The said annexure -R has been sought to be quashed in the writ petition before the single judge.

7. Considering the above aspects, it is clear that the appellant -petitioner has not challenged the earlier rejection of her application for appointment on compassionate ground, which was communicated to her on 26.12.2007. Suppressing the said fact, she filed a writ petition No.6430/2008. Earlier rejection of the appellant -petitioner's application has remained unchallenged. All these aspects have been specifically stated in the statement of objections filed by the respondents counsel by enclosing with the relevant documents.



8. Even in spite of that, the case of the appellant - petitioner has been again considered on merits by the writ Court under the impugned order. The writ Court placing reliance on the decision of the Division Bench of this Court as observed as under

*“5. It is pertinent to draw upon the judgment of the division bench of this Court in the case of **Mrs. Megha.J. vs. Life Insurance Corporation of India (LIC) and another [W.A.No.891/2023(S-RES), DD.27.9.2023]**, which elucidates the legal interpretation of dependency and the rationale behind precluding married daughters from eligibility for compassionate appointment. Para 4 of the judgment reads as under:*

“4. Learned Single Judge has rightly relied upon the Apex Court decision in State of Maharashtra vs. Madhuri Maruti Vidhate AIR 2022 SC 5176 to the effect that a married daughter residing in the matrimonial home ordinarily cannot be treated as a dependent on her father. Our scriptures injunct "bharta rakshati yavvane..." literally meaning that it is the duty of husband to provide maintenance to his dependent wife. That is how our legislations too are structured e.g., Section 125 of the Code of Criminal Procedure, 1973 (applicable to all regardless of religions), Sections 24 & 25 of the Hindu Marriage Act, 1955 (applicable to Hindus, in a broad sense of the term), Section 37 of the Divorce Act, 1869 (applicable to Christians), Section 40 of the Parsi Marriage and Divorce Act, 1936



(applicable to Parsis), Section 20 of the Protection of Women from Domestic Violence Act, 2005 (applicable to all persons regardless of religion and marital status), Sections 36 & 37 of the Special Marriage Act, 1954, The Muslim Women (Protection of Rights on Marriage) Act, 2019 (applicable to Muslims wives), etc., have been structured. No binding rule or ruling that guarantees right of maintenance to the married daughter residing with the husband qua the father, is brought to our notice.”

The judgment emphasizes the duty of a husband to provide maintenance to his wife and reaffirms the principle that compassionate appointment is intended to alleviate the immediate financial distress of the deceased's family, rather than confer entitlements or privileges based on marital status.”

9. The object of compassionate appointment is firmly rooted in addressing the immediate financial crisis faced by families following the demise of a family member, without conferring appointment as a matter of right or inheritance. The essence of compassionate appointment lies in addressing the immediate financial distress experienced by the family in the aftermath of the employee's demise. The term dependent within the context of compassionate appointment denotes



family members who were reliant on the deceased employee for financial support.

10. Considering the said aspects, the writ Court has rightly observed that the primary objective of compassionate appointment is to address the immediate financial constraint faced by the family following the death of the government's servant or employee. However, the prolonged delay in addressing the appellant -petitioner's request has allowed for a substantial amount of time to elapse without providing the necessary assistance or relief to the family. The writ Court has observed thus

“10. During this extended period, the financial circumstances and needs of the petitioner's family may have undergone significant changes. The initial urgency and immediacy of the financial constraints experienced by the family may no longer be as pressing or relevant after such a prolonged period. Therefore, if the petitioner's family has been self-sufficient and able to maintain themselves without facing significant financial constraints since the demise of the deceased employee, they may not be considered eligible for compassionate appointment as the primary objective of providing



immediate financial relief would not be applicable in the present case.”

11. Considering the above aspects, the writ Court has rightly held that the appellant -petitioner does not possess eligibility criteria and she has no legal right to seek appointment on compassionate ground and rightly dismissed the writ petition. We are not persuaded to allow the appeal.

In the result, the writ appeal is ***dismissed***.

Sd/-
(B.M.SHYAM PRASAD)
JUDGE

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DSP
CT:VH
List No.: 1 Sl No.: 3