



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 10TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO.100291 OF 2024 (S-RES)

BETWEEN:

MAHESH
S/O YADU NAIK
AGE. 48 YEARS, OCC. UNEMPLOYEE,
R/O. HONNEKERI, ANKOLA, TQ. ANKOLA,
DIST. UTTARA KANNADA-581314.

...APPELLANT

(BY SRI. NARAYAN V. YAJI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF
PRIMARY & SECONDARY EDUCATION,
VIKASA SOUDHA, AMBEDKAR VIDHI,
BENGALURU-560001.
2. THE JOINT COMMISSIONER BELAGAVI
DEPARTMENT OF PUBLIC EDUCATION,
RODDA ROAD, DHARWAD-580008.
3. THE DEPUTY DIRECTOR OF PUBLIC EDUCATION,
DEPARTMENT OF PUBLIC EDUCATION, KARWAR,
DIST. UTTARA KANNADA-581301.



4. THE BLOCK EDUCATION OFFICER,
ANKOLA, DIST. UTTARA KANNADA-581314.
5. JAI HIND EDUCATION SOCIETY,
BY ITS SECRETARY, ANKOLA,
DIST. UTTARA KANNADA-581314.
6. THE HEAD MASTER,
JAI HIND HIGH SCHOOL, ANKOLA,
DIST. UTTARA KANNADA-581314.

...RESPONDENTS

(BY SRI. G.K. HIREGOUDAR, PRL. GOVT. ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SEC.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED ORDER PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.103267/2024 (S-RES) DATED 11-06-2024 AS IT IS ILLEGAL AND CONSEQUENTLY GRANT THE RELIEF AS PRAYED BY THE PETITIONER IN THE ABOVE WRIT PETITION & ETC.

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

CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.



ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE S G PANDIT)

Unsuccessful petitioner before the learned single judge is in appeal under Section 4 of the Karnataka High Court Act, 1961 aggrieved by the order dated 11.06.2024 in W.P.No.103267/2024, whereunder the petitioner's challenge to rejection of request for compassionate appointment is rejected.

2. Heard learned counsel Sri.N.V.Yaji for appellant and learned AGA Sri.G.K.Hiregoudar, Prl. Government Advocate for respondent Nos.1 to 4 and perused the entire writ petition papers.

3. Learned counsel Sri.N.V.Yaji for petitioner would submit that the brother of the petitioner was working at 6th respondent-High school as group-'D' employee. He died while in service on 08.05.2023. Subsequent to his death, the petitioner is said to have submitted application dated 06.08.2023 seeking compassionate appointment on the death of his brother. His request for compassionate



appointment was rejected by the respondent No.4-B.E.O. under communication dated 08.04.2024 (Annexure-H) on the ground that the petitioner was overaged as on the date of submitting application for compassionate appointment. Questioning the said endorsement, the petitioner was before the learned single judge in the above stated writ petition. Learned single judge under impugned order dated 11.06.2024 dismissed the writ petition holding that under Rule 4(2) of Karnataka Civil Services Rules 1996, the petitioner would not be entitled for compassionate ground appointment.

4. Learned counsel Sri.N.V.Yaji would contend that the petitioner belongs to backward class community and relaxation of age for Government appointments is provided. Taking note of such relaxation, the respondent authorities ought to have considered the request of the petitioner for compassionate appointment. It is further submitted that the object of providing compassionate appointment is to see that the family of deceased government servant comes out



of financial difficulties on the death of the bread earner of the family. In that circumstance, the respondents-authorities ought to have considered the application of the petitioner for providing compassionate ground appointment.

5. On the other hand, learned AGA would submit that the petitioner is not eligible for appointment on compassionate ground since he is overaged. He submits that as on the date of submitting application for compassionate appointment, the petitioner was aged 47 years. It is submitted that even for compassionate appointment, the candidates shall be within the age limit prescribed under the (Cadre and Recruitment Rules) or under the Karnataka Civil Services(General Recruitment) Rules, 1977 (Hereinafter referred to as 'Rules 1977'). He submits that under Rules 1977 Rules, the prescribed age for general candidate is 35 years, for backward classes candidate 38 years and for SC-ST candidate 40 years. Thus, he submits that the petitioner would not qualify for



appointment on compassionate ground. Thus, he would pray for dismissal of the writ petition.

6. Having heard the learned counsel for the parties and on perusal of the entire writ petitioner papers, we are of the considered opinion that no ground is made out for interference with the order passed by learned single judge.

7. It is the case of the petitioner that his brother was working as Group-‘D’ employee in 6th respondent-High school and his brother died while in service on 08.05.2023. Subsequent to his death, the petitioner is said to have submitted application on 16.02.2023 seeking compassionate appointment. The date of birth of the petitioner being 01.06.1976, as on the date of making application for compassionate appointment, the petitioner was aged 47 years. Rule 4(2) of 1996 Rules Prescribes age limit for compassionate appointment and it would state that a person seeking appointment for compassionate ground shall be within the age limit specified for the post in the



relevant Rules of recruitment specifically made or shall be within the age limit prescribed under sub-Rule(3) of Rule 6 of Rules 1977. Rules 1977 would prescribe age limit of 35 years for general merit candidates and 38 years for backward class candidates and 40 years for SC-ST candidates. Since, the petitioner was aged 47 years as on the date of making application for compassionate ground appointment; the petitioner is ineligible in terms of Rule 4(2) of 1996 Rules. The learned single judge is justified in dismissing the writ petition, holding that the petitioner would not be qualified for appointment on compassionate ground since he is overaged. There is no merit in the writ petition and accordingly, the petition, stands rejected.

**Sd/-
(S G PANDIT)
JUDGE**

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

HMB, CT:VP
LIST NO.: 1 SL NO.: 32