



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 3RD DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT PETITION NO. 108939 OF 2025 (S-KAT)

BETWEEN:

1. THE STATE OF KARNATAKA,
REP. BY THE SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION
& LITERACY,
M.S. BUILDING, BENGALURU-01.
2. THE ADDITIONAL COMMISSIONER,
DEPARTMENT OF EDUCATION, KARNATAKA
COLLEGE ROAD, MALMADDI,
DHARWAD-580001.
3. THE DEPUTY DIRECTOR,
PUBLIC EDUCATION DEPT.,
SIRSI, DIST. UTTAR KANNADA-581401.
4. THE BLOCK EDUCATION OFFICER,
YELLAPUR (SIRSI EDUCATIONAL DIST),
DIST. UTTAR KANNADA-581359.

...PETITIONERS

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

AND:

SMT. PREETI BANDEKAR
D/O GOVIND BANDEKAR
W/O MANJUNATH SAGREKAR,
AGE. 31 YEARS, OCC UNEMPLOYED,
R/O KALAMMA NAGAR, YELLAPUR,
DIST. UTTAR KANNADA-581359.

...RESPONDENT



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF CERTIORARI TO QUASH THE ORDER DATED 12.02.2025 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BELAGAVI IN APPLICATION NO.10921/2024 ANNEXURE-A & ETC.

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

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

ORAL ORDER

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

The petitioners-State authorities in the Department of School Education and Literacy are before this Court questioning the correctness and legality of the order dated 12.02.2025 passed in Application No.10921/2024 by the Karnataka State Administrative Tribunal, Belagavi (for short, 'the Tribunal') allowing the respondent's application directing to pass appropriate order in providing compassionate appointment to the respondent without giving room for further litigation.

2. Heard Sri. G.K.Hiregoudar, learned Principal Government Advocate for the petitioners and perused the entire writ petition papers.



3. One Sri. Govind Krishna Bandekar was working as a Group-D employee in petitioners-Department of School Education and Literacy at Yellapur. It is stated that the said Group-D employee died on 19.03.2019 while in service. Immediately, on his death, his son submitted an application, dated 20.08.2019, seeking appointment on compassionate grounds. Unfortunately, the said son is also said to have died on 07.05.2020. On the death of the said son of the deceased government servant, the married daughter of the deceased government servant submitted an application, dated 07.03.2021, seeking appointment on compassionate grounds. The said application was refused to be considered under the endorsement dated 08.03.2022 which was the subject matter of application before the Tribunal in Application No.10255/2023. The Tribunal by order dated 23.01.2024 allowed the application, set aside the communication dated 08.03.2022 and directed the petitioners herein to consider the application of the respondent herein and pass appropriate order providing compassionate appointment in accordance with law, if the applicant is otherwise eligible.



4. The petitioners, on reconsidering the application of the respondent, under 'speaking order' dated 30.03.2024 (Annexure-A10) rejected the request of the respondent for appointment on compassionate grounds on the ground that the application dated 07.03.2021 filed by the respondent was beyond the time prescribed under Rule 5 of the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996 (for short, 'the 1996 Rules'). Questioning the said endorsement, the respondent was before the Tribunal in the aforesaid Application No.10921/2024. The Tribunal under the impugned order dated 12.02.2025 passed the following order:

"(i) The application is allowed.

(ii) The impugned endorsement bearing No. C3:CAA/AANE/GROUP-D/P.M.S/70/2021-22/08 dated 30.03.2024 issued by the 2nd Respondent (AnnexureA10) is set-aside.

(iii) The 2nd Respondent is directed to consider the observations and direction already issued in A.No.10255/2023 wherein it is already directed to treat the application filed by the applicant as a continuation of application filed by the applicant's brother and pass appropriate order in providing compassionate appointment to the applicant without giving room for further litigation.



(iv) The time for compliance is three months from the date of receipt of copy this order."

Questioning the above order, the State authorities are before this Court in this writ petition.

5. Learned Principal Government Advocate contends that the application filed by the respondent on 07.03.2021 seeking appointment on compassionate ground was beyond the time prescribed under Rule 5 of the 1996 Rules and as such, the petitioners-State authorities were justified in rejecting the respondent's application. Learned Principal Government Advocate would also submit that, as on the date of the respondent's application, there was no provision providing for compassionate appointment to a married daughter of the deceased government servant. The learned Principal Government would further submit that the order/notification providing for compassionate appointment to a married daughter of a deceased government servant came into effect from 09.04.2021 which is subsequent to the date of submission of the application by the respondent. Therefore, learned Principal Government Advocate prays for allowing the writ petition.



6. Having heard the learned Principal Government Advocate and on perusal of the entire writ petition papers, the only point that falls for consideration is,

Whether, in the facts and circumstances of the case, the impugned order passed by the Tribunal requires interference?

7. The answer to the above point would be in the negative for the following reasons:

(a) It is not in dispute that the father of the respondent viz., Govind Krishna Bandekar was working as a Group-D employee in the Department of School Education and Literacy at Yellapur. It is also not in dispute that the father of the respondent died on 19.03.2019 while in service. Immediately, on his death, his son made an application, dated 20.08.2019, seeking appointment on compassionate grounds. Unfortunately, his son also died immediately thereafter, on 07.05.2020. On the death of son of the deceased government servant, the respondent made an application on 07.03.2021 seeking appointment on compassionate grounds. As the petitioners-State authorities



refused to consider her application, she approached the Tribunal in Application No.10255/2023 and the Tribunal, by order dated 23.01.2024, allowed the application and passed the following order:

"12. In view of the discussions made above, we are of the considered opinion that the applicant has made out a case. Accordingly, the application is allowed. The impugned order bearing No.C3.SiAa/AaAaNeGroup D/P.M.S/70/2021-22/4791 dated 08.03.2022 at Annexure-A8 passed by the 2nd respondent is quashed. The respondents are directed to reconsider the application filed by the applicant on 07.03.2021 and pass appropriate orders for providing compassionate appointment in accordance with law if the applicant is otherwise eligible."

While allowing the above application, the Tribunal, at paragraphs No.10 and 11, has observed as follows:

"10. The Rule 5 of the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996 which prescribes that the application seeking compassionate appointment to be filed within one year from the date of death of government servants, is only directory in nature. Since the object of providing compassionate appointment is to mitigate the hardship caused by the sudden death of the



bread earner in the family, the rejection of the application on the ground that it was filed after one year is only a technical view of the 2nd respondent.

11. Since the main object of providing compassionate appointment under the rules is to alleviate the distress of the family from the financial crisis and the application filed by the applicant's brother was closed as he expired, during consideration of his claim, and its thereafter, the applicant has filed application seeking compassionate appointment it has to be considered as continuation of application filed by her brother."

- (b) The petitioners – State authorities accepted the aforesaid order of the Tribunal and have not challenged the said order any further. Accepting the aforesaid order of the Tribunal, the petitioners-State reconsidered the application of the respondent and, again, rejected the request of the respondent under 'speaking order' dated 30.03.2024 on the ground that the application of the respondent was not within the time prescribed under Rule 5 of the 1996 Rules and also on the ground that there was no provision providing compassionate appointment to a married daughter of a deceased government servant. Both the contentions raised



by learned Principal Government Advocate are unsustainable.

(c) The question of delay in filing the application cannot be raised at this length of time, having accepted the earlier order passed by the Tribunal dated 23.01.2024 passed in Application No.10255/2023. The petitioners-State had raised the question of delay caused in submitting the application by the respondent seeking compassionate appointment in the earlier proceedings. However, the said contention was rejected and the petitioners were directed to consider the application of the respondent for compassionate appointment. In that view, it is not open for the petitioner to again raise the question of delay in submitting the application by the respondent.

(d) The other contention of the petitioners that, as on the date of submission of the application by the applicant i.e., on 07.03.2021, there was no provision providing for compassionate appointment to a married daughter of a deceased government servant is also not sustainable. A co-ordinate Bench of this Court in W.P. No.15961/2022,



disposed of on 23.08.2024, taking note of the decision of the Hon'ble Apex Court, held that since the amendment is by way of substitution, the benefit of 2021 amendment rules would be applicable to the case like that of the respondent. By following the decision dated 23.08.2024 passed in W.P. No.15961/2022, the contention of the petitioner that the amendment came into effect subsequent to the application filed by the respondent, is rejected.

8. There is no merit in the writ petition and accordingly, the writ petition stands rejected.

Pending interlocutory applications, if any, stands disposed of as not surviving for consideration.

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

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