



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 6770 OF 2022 (S-RES)

BETWEEN:

MARIA MAGADELIN DAS
D/O LATE ANTHONY DAS
AGED 29 YEARS
R/AT R/O #1530/C
VINOBH NAGAR, GADA ROAD, HUBLI
DHARWAD DISTRICT

...PETITIONER

(BY SRI. HITESH GOWDA B J., ADVOCATE FOR
SRI. ADITYA D., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF HOUSING
VIDHANA SOUDHA
BENGALURU - 560 001.

2. THE COMMISSIONER
KARNATAKA SLUM DEVELOPMENT BOARD
NO.55, ABHYA COMPLEX, 3RD FLOOR
RISALDAR STREET, SESHADRI PURAM
BENGALURU , KARNATAKA - 560 020.

...RESPONDENTS

(BY SRI.SIDHARTH BABU RAO., AGA FOR R1:
SRI B N SURESH BABU, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE NOTICE
DATED 05/02/2022 IN ANNEXURE-A BEARING NO:
KAKOHAMA/ADMIN/36/2021-22/787 AND DIRECT THE RESPONDENT
NO.2 TO RE CONSIDER THE APPLICATION OF THE PETITIONER IN
ANNEXURE-C AND ETC.

Digitally signed by
HEMALATHA A
Location: HIGH
COURT OF
KARNATAKA



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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This writ petition is filed under Articles 226 & 227 of the Constitution of India, challenging the endorsement dated 05.02.2022 vide Annexure-A, issued by the second respondent, rejecting the request of the petitioner for appointment on compassionate ground.

2. The petitioner's father was working as a Second Divisional Assistant in the Second Respondent - Board. While he was in service, he died on 28.05.2019. The petitioner filed an application on 19.01.2021 (Annexure-C) requesting to give appointment to her on compassionate grounds. The same came to be rejected by the second respondent vide Annexure-A dated 05.02.2022 on the ground that the application is filed after one year of the death of the employee, since in view of Rule 5 of the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996 (for short, '1996 Rules'), the



application had to be filed within one year from the date of the death. Being aggrieved by the same, the petitioner is before this Court.

3. Learned counsel appearing for the petitioner raised the following contentions:

(i) Firstly, the petitioner's father died on 28.05.2019. As per Rule 5 of the 1996 Rules, the petitioner ought to have filed the application on or before 27.05.2020. But, in view of COVID pandemic, she was unable to file the application within that time.

(ii) Secondly, the Apex Court in *Suo Motu Writ Petition (Civil) No.3/2020* has held that, in computing the period of limitation for any suit, appeal, application or proceeding, the period from 15.03.2020 to 14.03.2021 shall stand excluded. Even the State Government, by order dated 10.09.2024, held that, in all recruitments the age limit has been relaxed for a period of 3 years. Without considering this aspect of the matter, the impugned



endorsement has been issued. Hence, he sought to allow the writ petition.

4. The learned AGA appearing for the respondent – State and the learned counsel appearing for the second respondent submit that, as per Rule 5 of the 1996 Rules, the dependents of the deceased employee has to file an application within one year from the date of death of the employee. The petitioner's father died on 28.05.2019. The application was filed on 19.01.2021, after a lapse of one year seven months. The application is barred by limitation. Therefore, the application has been rightly rejected. Hence, sought to dismiss the writ petition.

5. Heard the learned counsel for the parties and perused the petition papers.

6. It is not in dispute that the petitioner's father was working as a Second Division Assistant in the second respondent – Board. It is also not in dispute that he died on 28.05.2019 while in service. In view of COVID-19



pandemic, there was a lockdown in the nation from 15.03.2020 to 14.03.2021. As per the 1996 Rules, the applicant has to file an application within one year from the date of death of the employee. The petitioner is supposed to file an application on or before 27.05.2020. Since the country was already going through the COVID-19 pandemic situation, the entire country was under lockdown. There was no way that the petitioner could have applied for the compassionate appointment within the stipulated time.

7. Even the Apex Court in *Suo Motu Writ Petition (Civil) No.3/2020* has excluded the period for limitation from 15.03.2020 till 14.03.2021. In this regard, the State Government has also issued a Government Order on 10.09.2024 in respect of recruitment to the posts of Group C and Group B in Civil Service is concerned, relaxing the age limit by three years. Therefore, the petitioner is also entitled for similar benefit of excluding the time for filing an application for compassionate appointment.



Considering these aspects, the application filed by the petitioner has to be considered as filed within the time. Therefore, impugned endorsement is liable to be quashed.

8. Accordingly, the following order is passed:

(i) The impugned endorsement dated 05.02.2022 vide Annexure A issued by the second respondent is quashed.

(ii) The second respondent is directed to consider the application of the petitioner, in accordance with law, without dismissing the application on the ground of limitation, if the petitioner satisfies all other conditions, as expeditiously as possible, not later than three months from the date of receipt of a copy of this order.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 42