



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JANUARY, 2026

BEFORE

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

WRIT PETITION NO. 16946 OF 2024 (S-RES)

BETWEEN:

SRI. SHIVAKUMAR V
S/O E VENKATASWAMY
AGED ABOUT 42 YEARS
R/AT NO.03, 15TH CROSS ROAD
ANEPALYA KOLANDAPPA, GARDEN
ADUGODI POST BANGALORE-560030.

...PETITIONER

(BY SMT. SARASWATHI M., ADVOCATE)

AND:

1. THE COMMISSIONER
BRUHUT BANGALORE
MAHANAGARA PALIKE
HUDSON CIRCLE
BANGALORE-560002.

2. THE ASSISTANT EXECUTIVE ENGINEER
BRUHUT BANGALORE MAHANAGARA PALIKE
KORAMANGALA SUG-DIVISION
NO.1, 1ST FLOOR, GOVERNMENT HEALTH
CENTRE BUILDING, HOSUR ROAD
ADGUODI, BANGALORE.

...RESPONDENTS

(BY SRI. B S SRINIVAS, ADVOCATE FOR
SRI. B.L. SANJEEV, ADVOCATE FOR R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE
A MANDAMUS TO CONSIDER THE LETTER DATED: 10.01.2022
GIVEN BY THE PETITIONER TO THE RESPONDENT TO APPOINT

Digitally signed by
MALATHI
CHALUVA IYENGAR
Location: HIGH
COURT OF
KARNATAKA



HIM ON COMPASSIONATE GROUND VIDE ANNEXURE-C AND ETC.

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 06.01.2024 (vide Annexure-J), issued by the respondent No.2, rejecting the request of the petitioner for appointment on compassionate grounds.

2. The case of the petitioner is that the petitioner's father, late E.Venkataswamy, was appointed as a Gangman on 11.01.1996 in the respondent Corporation. He died on 03.04.2021 while in service, leaving behind two sons and one daughter. The petitioner is the elder son of the deceased E.Venkataswamy.

3. The petitioner filed an application seeking appointment on compassionate grounds on 10.01.2022



(vide Annexure-C). However, his application was rejected on the ground that, as on the date of filing the application, he was aged about 40 years and 10 months, which is beyond the age limit prescribed for a Group-D post under Category-2A in the Service Rules. Being aggrieved by the said endorsement, the petitioner is before this Hon'ble Court.

4. The learned counsel appearing for the petitioner raised the following contentions:

(i) Firstly, even though the age limit prescribed for Category-2A is 38 years, the petitioner was aged about 40 years and 10 months at the time of filing the application. Since the petitioner was dependent upon the income of his deceased father, the respondent Corporation could have granted appointment to the petitioner by relaxing the age limit. In support of this contention, she has relied upon the order passed by a Co-ordinate Bench of this Court in W.P. No. 106296/2025, disposed of on 14.10.2025.



(ii) Secondly, the application was filed on 10.01.2022, whereas the endorsement rejecting the same was issued on 06.01.2024, after a lapse of nearly two years. As per Rule 6(2) of the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996, appointment on compassionate grounds shall be made within three months from the date of the application. At the very least, the respondent ought to have issued the endorsement within six months, in which event the other son could have applied for appointment on compassionate grounds. Hence, she seeks for allowing the writ petition.

5. Per contra, the learned counsel appearing for the Corporation submits that E.Venkataswamy died leaving behind two sons and one daughter. The first son was aged about 37 years and, since he was working elsewhere, he did not file an application. The petitioner was aware that, as on the date of filing the application, he was age-barred by two years. Therefore, no relaxation could be granted for consideration of his application. Accordingly, the



competent authority issued the endorsement. Hence, he seeks dismissal of the writ petition.

6. Heard the learned counsel for the parties and perused with writ papers.

7. It is not in dispute that E.Venkataswamy was appointed as a Gangman on 11.01.1996. He died on 03.04.2021 while in service, leaving behind the petitioner, who was aged about 40 years and 10 months as the elder son, a younger son aged about 37 years, and a daughter aged about 35 years.

8. As per the Service Rules, insofar as Category-2A is concerned, the age limit for consideration for recruitment to a civil post is 38 years. Even though the daughter and the younger son of the deceased were eligible to file applications, they did not file any application. The petitioner filed an application on 10.01.2022. At that time, he was aged about 40 years and



10 months and was, therefore, age-barred and not entitled to appointment as per the Service Rules.

9. In the judgment relied upon by the learned counsel for the petitioner in **W.P.No.106296/2025**, reference has been made to the judgment of the Apex Court, namely **CANARA BANK v. AJITHKUMAR G.K.**, reported in **2025 SCC OnLine SC 290**. The relevant paragraphs are extracted below:

"34. Whether relaxation in age ought to have been granted is the next sub-issue. A contention raised on behalf of the respondent, and which succeeded, was to the effect that since he was overaged only by eight months on the date of death of his father, he should have been granted relaxation of age for which power was conferred by the scheme of 1993. We are conscious that there is substance in the contention on behalf of the respondent that this issue is no longer open to be decided here. The decision initially taken that the respondent was over-aged had been set aside in the first round of litigation and, therefore, the principle of res judicata is indeed attracted.



35. However, the point having been argued at some length, our views on interpretation of the scheme of 1993 could be of some worth for courts deciding similar such issue in future. We are in agreement with learned counsel for the appellant that the question of relaxation would arise only when the claimant satisfies the other requirements of the scheme of 1993 for compassionate appointment. What seems to be logical is that no dependant, who otherwise satisfies all criteria for compassionate appointment including suitability, should be told off at the gate solely on the ground of age-bar. If the age of the claimant is found to be within the relaxable limit, discretion is available to be exercised in an appropriate case. Relaxation of age is a step to be taken in the final stages of the entire process and it would arise for consideration provided all other conditions for appointment are satisfied. If in a given case, such as this, that the family of the deceased is not found to be indigent, the first threshold is not crossed and thereby, the process does not progress any further. In such a case, it would be in idle formality to consider whether relaxation of age should be granted."

10. In the aforesaid case, the Apex Court has held that no dependent of the deceased who otherwise satisfies



all the criteria for compassionate appointment, including suitability, should be turned away solely on the ground of being age-barred. If the age of the claimant is shown to be within the relaxable limit, discretion is available to be exercised in an appropriate case. Relaxation of age is a step to be considered at the final stage of the entire process and would arise for consideration only if all other conditions for appointment are satisfied.

11. In the case on hand, the petitioner's sister and younger brother were entitled to seek appointment on compassionate grounds. However, they did not file any application, as the younger brother was already employed. The petitioner was aged about 40 years and 10 months at the time of filing the application, whereas the prescribed age limit for Category-2A under the Service Rules is 38 years. Therefore, the judgment relied upon by the petitioner is not applicable to the facts of the present case.



12. There is no error or illegality in the endorsement issued by the respondents. The writ petition is devoid of merit and, accordingly, stands dismissed.

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

CM
LIST NO.: 1 SL NO.: 43