



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF JANUARY, 2026

BEFORE

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

WRIT PETITION NO. 23865 OF 2024 (S-RES)

BETWEEN:

SMT DR KUSUM RAMACHANDRAN
AGED ABOUT 52 YEARS
W/O LATE DR H D RAMACHANDRAN
PRESENTLY WORKING AS
JR ASSISTANT / SECOND DIVISION ASSISTANT
BANGALORE UNIVERSITY, JNANA BHARATHI
BANGALORE 560056.

...PETITIONER

(BY SRI. M KRISHNAPPA., ADVOCATE)

AND:

1. BANGALORE UNIVERSITY
JNANA BHARATHI
BANGALORE 560056
REP BY ITS VICE CHANCELLOR.

2. THE REGISTRAR
BANGALORE UNIVERSITY
JANANABHARATHI
BANGALORE 560056

...RESPONDENTS

(BY SRI.B PRAMOD., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE IMPUGNED ORDER DATED: 23.02.2023 BEARING
NO. EST-1/E1/CA/154/K.R/2015 ISSUED BY THE R-2 AS AT
ANNEXURE-P AND ETC.

Digitally signed by
MALATHI
CHALUVA IYENGAR
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 and 227 of the Constitution of India, challenging the order dated 23.02.2023 passed by the second respondent vide Annexure-P, whereby the petitioner's appointment on compassionate grounds has been considered for a Group-C post, namely Second Division Assistant.

2. The case of the petitioner is that her husband, late H.D. Ramachandran, was working as a Professor in the Department of Biochemistry in the first respondent-University. He died on 23.10.2015 while in service. The petitioner made an application on 18.07.2016 to the respondent-University seeking appointment on compassionate grounds. Considering the said application, the petitioner was appointed to a Group-D post by order dated 16.08.2018 (vide Annexure-D).



3. Thereafter, the petitioner made an application on 03.09.2018 (vide Annexure-E), requesting compassionate appointment to a Group-C post, namely First Division Assistant, on the basis of her qualification. As the same was not considered, she approached this Court by filing a writ petition in W.P. No. 31882/2019. This Court, by order dated 05.12.2022 (vide Annexure-M), directed respondent Nos. 1 and 2 to consider the request of the petitioner for appointment to a Group-C post in the light of the observations made therein, within a period of three months from the date of receipt of the said order.

4. Thereafter, the petitioner's case was considered and, by the impugned order vide Annexure-P, she was appointed to a Group-C post as Second Division Assistant. Since the petitioner's appointment was not considered in view of her qualification as per Rule 4(4) of the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996 (for short, "the 1996 Rules"), the petitioner is before this Court.



5. The learned counsel for the respondents submits that the petitioner cannot claim appointment on compassionate grounds as a matter of right as per the 1996 Rules and further contended that once appointment is made, it is final and cannot seek modification.

6. The petitioner possesses the qualifications of M.Sc. in Bio Chemistry as well as a Ph.D. Rule 4(4) of the 1996 Rules is extracted below:

" 4. Conditions of Appointment:-

Appointment on compassionate grounds under these rules shall be subject to the following conditions, namely:-

.....

(4) Appointment shall be confined to any post in Group "C" or Group "D" depending upon the qualification specified for the post but excluding the posts carrying the pay scales higher than the scale of pay of the post of Assistant in the Karnataka Government Secretariat as may be revised from time to time and any other post in either of the



groups as may be specified by the Government from time to time”.

7. From a plain reading of the above provisions, it is very clear that the appointment shall be confined to a Group-C or Group-D post, depending upon the qualifications prescribed for the post. Since the petitioner possessed the qualifications of M.Sc. as well as Ph.D., her case ought to have been considered for the post of First Division Assistant. Even in the earlier round of litigation in W.P.No.31882/2019, this Court has specifically directed to consider the case of the petitioner for Group-C post. Contrary to the directions issued by this Court, the impugned order is passed. The relevant paragraph is extracted below:

" 6. The petitioner possessed the qualification of M.Sc., in Biochemistry as well as Ph.D in Biochemistry. Taking note of the petitioner's qualification in terms of the Circular dated 27.10.2017 as well as Rule 5 of 1996 Rules, the respondent-University ought to have considered the case of the petitioner for compassionate



appointment to any of the Group-C post. Rule 6(4) would state that the appointment once made under these rules shall be final and no fresh appointment to a different post or higher post under the rules shall be permissible. But, if the consideration of application for compassionate appointment itself is erroneous and without taking note of the qualification of the applicant/dependent in terms of Rule 4(4) of 1996 Rules, the Appointing Authority shall re-consider the same. This Court in W.P.No.47304/2015 dated 24.04.2018 has observed that when the petitioner had the qualification, appointment made to Group-D post would not be justifiable. In the instant case also, in view of the fact that the petitioner had the qualification for appointment to Group-C post, the respondent-University is not justified in appointing the petitioner to Group-D post. Hence, the following:

ORDER

The respondent Nos.1 and 2 are directed to re-consider the request of the petitioner under Annexure-E dated 09.03.2018 for appointment to Group-C post in the light of the above observations within a period of three months from the date of receipt of copy of this order."



8. Even though the earlier appointment order has been modified by the impugned order, her case has still not been considered in accordance with her qualifications. On this short ground alone, the writ petition deserves to be allowed.

9. In view of the above, the following order is passed:

- (i) The writ petition is allowed in part.
- (ii) The respondents are directed to consider the representation of the petitioner dated 03.09.2018 (vide Annexure-E) for appointment to the post of Group-C – First Division Assistant, taking into consideration her qualification.

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

CM
LIST NO.: 1 SL NO.: 44