



CNR: KAHC010677212024

NC: 2026:KHC:40295
WP No. 33139 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 33139 OF 2024 (S-RES)

BETWEEN:

SMT. LEKHASHREE D,
D/O LATE DEVARAJU M,
AGED ABOUT 34 YEARS,
NO.385, 12TH C CROSS,
PATTABIRAMA TEMPLE,
VYALIKAVAL, BENGALURU NORTH,
MALLESHWARAM - 560 003.

...PETITIONER

(BY SMT. SOHANI A HOLLA., ADVOCATE)

AND:

1. OFFICE OF DIRECTOR GENERAL
OF POLICE & DIRECTOR GENERAL,
KARNATAKA FIRE AND
EMERGENCY SERVICES DEPARTMENT,
3/1, ANNASWAMY MUDALIAR ROAD,
NEAR LAKE, HERMIT COLONY,
ULSOOR, BENGALURU - 560 042.
2. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
SECRETARY TO GOVERNMENT,
KARNATAKA FIRE AND EMERGENCY
SERVICES DEPARTMENT,

Digitally
signed by
SHILPABAI S
Location:
HIGH COURT
OF
KARNATAKA





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VIDHANA SOUDHA,
BENGALURU – 560 001.

...RESPONDENTS

(BY SRI.RAMESH NAIK G., AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 21.06.2024 PASSED BY THE FIRST RESPONDENT, DIRECTOR OF POLICE AND DIRECTOR, KARNATAKA STATE FIRE AND EMERGENCY SERVICES DEPARTMENT PRODUCED AS ANNEXURE - J.

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

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

1. The petitioner filed this writ petition seeking following reliefs:

- (1) *To allow the writ petition and issue a writ of certiorari quashing the order dated 21.06.2024 passed by the first respondent, Director of Police and Director, Karnataka State Fire and Emergency Services, Department produced as Annexure-J.*



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(2) To grant such other relief as this Hon'ble Court deems fit to grant under the circumstances of the case.

2. Brief facts leading rise to the filing of this petition are as follows:

3. The father of the petitioner was working as a fireman in the office of the Karnataka State Fire and Emergency Services. He passed away on 20.01.2018 during the course of his service. He was survived by his wife and two daughters. The petitioner, being the eldest daughter had sought for an appointment on compassionate grounds by filing an application dated 16.11.2018. She has completed Advanced Diploma in Computer Office Management with an A grade.

4. Respondent No.1 rejected the said application on the ground that the petitioner is a married daughter of deceased Devraj M. The petitioner approached the Karnataka State Administrative Tribunal, Bengaluru, by Application No.1707 of 2019. The said application came



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to be allowed vide order dated 07.09.2021. The application came to be allowed and respondent No.1 was directed to consider the case of the petitioner afresh for appointment on compassionate ground, if she is otherwise eligible, in accordance with law and pass appropriate orders within 3 months from the date of receipt of certified copy of this order.

5. The petitioner addressed a communication dated 07.10.2021 to respondent No.1, requesting the respondents for a suitable job in place of her late father Devraj M. on compassionate ground. The respondent No.2 rejected her application on 21.06.2024 on the basis of her being married on 16.11.2018, the date on which she filed her application, stating that she was ineligible under the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1966. Hence, this writ petition.



6. Respondent- State filed the statement of objections, admitting the death of late Devraj M., who was working as a fireman in the office of respondent No. 2 and who passed away on 20.01.2018, while he was in service and also admitted that the petitioner has submitted application for appointment on compassionate ground and contended the petitioner was married as on the date of filing the application for appointment on compassionate ground. The petitioner is not eligible for the appointment on compassionate grounds as per Rule 3(2)(i)(C) of Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1966. Hence, on these grounds, prays to dismiss the writ petition.
7. Learned counsel for the petitioner has placed a reliance on the judgment of Co-ordinate Division Bench of this Court in W.P.No.3765/2022 and submits that married daughter not being entitled for compassionate appointment to be unconstitutional.



8. *Per contra*, learned Additional Government Advocate for the respondent submits that the petitioner was married woman on the date of filing the application for appointment on compassionate ground. The petitioner is not eligible for the appointment on compassionate ground as per Rule 3(2)(i)(c) of the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996.
9. Perused the records, and considered the submissions of the learned counsel for the parties.
10. It is an undisputed fact that Devraj M. was working in respondent No.2 and he passed away while he was in service. The petitioner died in service leaving behind his wife and two daughters. The petitioner being the eldest daughter has submitted an application for appointment on compassionate ground. The said application was rejected by the respondents. Thereafter the petitioner,



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approached the Karnataka State Administrative Tribunal in application No. 1707 of 2019.

11. The Karnataka State Administrative Tribunal allowed the said application vide order dated 07.09.2021 and quashed the order dated 11.02.2019 passed by respondent No.2 and directed respondent No.2 to consider the case of the applicant afresh for appointment on compassionate ground if she is otherwise eligible, in accordance with the law and pass appropriate orders.

12. Pursuant to the order passed by the Karnataka State Administrative Tribunal, the petitioner has submitted a representation requesting respondent No.2 to reconsider the application of the petitioner. The respondent No.2 has rejected the said application on the ground that the petitioner was ineligible under the Karnataka Civil Services under Rule 3(2)(i)(C) of Rules, 1966 as on the date of submitting the application. She



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was married. The issue involved in this case is squarely covered by the order passed by the Division Bench of this Court in W.P.No.3765 of 2022 disposed of on 15.06.2026, wherein the Division Bench taking note of the said amendment, a Co-ordinate Bench of this Court in W.P.No.15961/2022 dated 23.08.2024 at paragraph Nos.7 to 9 has held as follows:

"7. It is true that the dependents of the deceased Government servant cannot claim compassionate appointment as a matter of right. But, the dependents of Government servant could claim compassionate appointment under the existing Scheme or existing Rules relating to compassionate appointment. In the State of Karnataka, compassionate appointment is governed by 1996 Rules. Prior to 2021, under 1996 Rules there was no provision for consideration of the application of dependent married daughter of a deceased Government servant. This Court in the case of **SMT.BHUVANESHWARI V. PURANIK VS. STATE OF KARNATAKA AND OTHERS reported in ILR 2021 KAR 5256** had held that married daughters not being



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entitled for compassionate appointment to be unconstitutional. Thereafter, the State Government under Notification dated 09.04.2021 brought amendment to 1996 Rules to expand the definition of dependent of a deceased Government servant to include daughter (unmarried/ married/ divorced/ widowed) who were depending upon him. The amendment brought to Sub-rule (1) of Rule 2 of 1996 rules reads as follows:

"2. Amendment of Rule 2. – In the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996 (hereinafter referred to as the said rules), in Rule 2, in sub-rule (1),

(1) for clause (a), the following shall be substituted, namely:-

"(a) "dependent of a deceased Government Servant" means a member of the family of the deceased Government Servant who was living with and dependent on the deceased Government Servant and who fulfils the conditions specified in the explanation to sub-rule (1) of rule 4."



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(2) for clause (b), the following shall be substituted, namely:-

"(b) "family" for the purpose of these rules,-

(i) in the case of the deceased male married Government Servant, his widow, son and daughter (unmarried/ married/ divorced/ widowed) who were dependent upon him and were living with him;

(ii) in the case of the deceased female married Government Servant her son, daughter (unmarried /married/divorced/widowed) and widower who were dependent upon her and were living with her;

(iii) in the case of the deceased male unmarried Government Servant, his brother or sister who were dependent upon him and were living with him;

(iv) in the case of the deceased female unmarried Government Servant, her brother or sister who were dependent upon her and were living with her, and

(v) in the case of the deceased married Government Servant whose spouse is also no more and who has minor children, the certified



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guardian of the minor children who is living with them and takes care of the minor children as per the provisions of relevant law.”

A reading of the above amendment, it is clear that amendment to 1996 Rules is by way of substitution.

8. Learned Additional Government the decision of Advocate placed reliance on **BHEEMESH** (supra) to contend that the application for compassionate appointment shall be considered in terms of the Rules that existed as on the date of death of the Government servant and further submitted that in the instant case there was no provision to consider the request of married daughter for compassionate ground appointment as on the date of death of Government servant. The Hon'ble Apex Court in the above decision i.e., **BHEEMESH** (supra) was considering the amendment to 1996 Rules dated 11.07.2012 by which, an unmarried brother of deceased female unmarried Government servant was included within the definition of dependent of deceased Government servant. The amendment brought under Notification dated 11.07.2012 was by way of insertion of



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additional words and the amendment was not by way of substitution. Where amendment to a Rule or Act is by way of substitution, the amended provision is to be read as if it was there in the statute book from the day, the said Rule or Act came into force. Since in ***BHEEMESH*** (supra), the Hon'ble Apex Court was considering amendment to 1996 Rules by way of insertion and in that circumstance, it held that the amendment would not be applicable merely because the application for appointment was taken up for consideration after the issuance of the amendment. The ratio laid down by the Hon'ble Apex Court in ***BHEEMESH*** (supra) would have no application to the facts of the present case since the petitioner is seeking benefit of 2021 Amended Rules which is by way of substitution.

9. A Co-ordinate Bench of this Court in SMT.LATHA.H.R., (supra) was considering identical question and at paragraphs 6 and 7, it is held as follows:

"6. Having considered the contentions advanced by the learned counsel appearing for the parties, we are of the opinion that the finding of the Tribunal that the amendment



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had only prospective effect and therefore the application cannot be considered, cannot be accepted. The petitioner's application has been rejected only on the ground that she is a married daughter of the deceased government servant. It is not disputed that the provisions of the unamended Rules to the effect only an unmarried daughter could make an application stood struck down as unconstitutional and the said judgment has become final. Thereafter, the Rules have also been amended substituting the words "unmarried daughter" with the word "daughter".

7. In the above view of the matter and in view of the fact of amendment made to the Rules by substitution, we are of the opinion that the rejection of the application for appointment made by the petitioner on the sole ground that she is a married daughter cannot be accepted.

A reading of the above would make it clear that in view of the amendment even married daughters would be entitled for appointment on compassionate grounds."



13. A reading of the above amendment, make it clear that in view of the amendment to 1996, even married daughter should be entitled for appointment on compassionate ground.
14. Admittedly, in the instant case, the petitioner is also married daughter. Hence in view of the amendment, even the petitioner is entitled for appointment on compassionate ground.
15. In view of the above discussion, I proceed to pass the following order:

ORDER

- i. The writ petition is ***allowed***.
- ii. The impugned order dated 21.06.2024 passed by respondent No.1 vide Annexure-J is hereby quashed.
- iii. Respondent No.1 is directed to reconsider the case of the petitioner in terms of the order passed by the Division Bench of this Court in the case of ***Smt. Savitha. R.***



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versus State of Karnataka and others
in ***W.P.No.3765/2022 disposed of on***
15.06.2026 within a period of one month
from the date of receipt of copy of this
order.

iv. Pending IA(s), if any, stands disposed of
accordingly.

Sd/-
(ASHOK S.KINAGI)
JUDGE

SKS