



CNR: KAHC010770042025

NC: 2026:KHC:44908-DB
WP No. 35637 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE R DEVDAS

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 35637 OF 2025 (S-KSAT)

BETWEEN:

SMT. SINDHU A.G.
D/O GIRIYAPPA A.
W/O YUVARAJ G.S.
AGED ABOUT 27 YEARS
R/A HARALAHALLI VILLAGE
HALIVANA POST
HARIHARA TALUK
DAVANAGERE DISTRICT – 577 530.

...PETITIONER

(BY MS. SHIREESHA S., ADVOCATE FOR
SRI SUBBA REDDY K.N., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF FORESTS
ECOLOGY AND ENVIRONMENT
VIKASA SOUDHA – 560 001.
2. THE PRINCIPAL CHIEF
CONSERVATOR OF FORESTS
(HEAD OF FORESTS FORCES)
ARANYA BHAVAN, 18TH CROSS
MALLESHWARAM
BENALURU – 560 003.

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SHREERAKSHA
Location: HIGH
COURT OF
KARNATAKA



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3. THE CHIEF CONSERVATOR OF FORESTS
SHIVAMOGGA CIRCLE
SHIVAMOGGA – 577 201.
4. THE DEPUTY CONSERVATOR OF FORESTS
TERRITORIAL DIVISION
SAGAR, SHIVAMOGGA – 577 401.

...RESPONDENTS

(BY SRI V. SHIVA REDDY, AGA FOR R1 TO R4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI, OR ANY OTHER APPROPRIATE WRIT, ORDER, OR DIRECTION, TO QUASH AND SET ASIDE THE ORDER DATED 09.05.2025 APPLICATION No.5403/2024 PASSED BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL VIDE ANNEXURE-A 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 R DEVDAS
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL ORDER

(PER: HON'BLE MR. JUSTICE R DEVDAS)

This writ petition is filed by the original applicant, who was before the Karnataka State Administrative Tribunal in Application No.5403/ 2024, being aggrieved of the dismissal of the application and rejection of the prayer to quash and set aside the endorsement dated



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16/19.10.2024 at Annexure - A6 issued by the fourth respondent - the Deputy Conservator of Forests.

2. The claim of the petitioner is for appointment on compassionate grounds, pursuant to the death of her brother Sri. Govindaraja A G, who died in harness while he was working as Deputy Range Forest Officer. There is no dispute insofar as the filing of the application in time. However, the application filed by the petitioner was rejected by the fourth respondent by issuing the impugned endorsement, wherein it is stated that the relevant Rules prescribe that the brother or sister of the deceased unmarried Government servant should be dependent on the deceased during his lifetime and they should have been living with the deceased person. The fourth respondent is of the opinion that since admittedly the petitioner got married on 14.06.2019, long before the petitioner's brother



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passed away on 28.01.2024, it is clear that the petitioner does not fulfil the requirement of the Rule.

3. Learned counsel for the petitioner submits that the Hon'ble Supreme Court in the case of ***Kulsum Nisha Vs. State of U.P. and Others*** reported in ***2026 SCC OnLine SC 1059*** has held in paragraph No.19 as follows:

"19. The impugned provision proceeds on the assumption that upon marriage a daughter ceases to be a member of, or dependent upon, her parental family. Such an assumption is constitutionally impermissible. Marriage neither extinguishes the bond between a daughter and her parental family nor furnishes a valid basis to presume absence of dependency. Contemporary social realities demonstrate that many married daughters continue to reside with, support, or remain dependent upon their parents. Equally, there may be sons who are not dependent upon the family despite being included



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within the definition. Dependency is a question of fact and cannot be conclusively determined by reference to marital status alone”.

4. Learned counsel therefore submits that the fourth respondent could not have jumped into conclusion that merely because the petitioner was married in the year 2019, she does not fulfill the requirement of the Rules. No opportunity of hearing was given to the petitioner to prove that during the lifetime of her brother the petitioner, although married was dependent on the deceased brother and was living with the deceased brother. Admittedly, the impugned endorsement does not disclose of any opportunity being given to the petitioner to prove the requirement of the Rules having been fulfilled at the hands of the petitioner. The Tribunal also has erred in simply accepting the contention of the respondents that since the petitioner was married in the year 2019 and her



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brother died in the year 2024, the petitioner does not fulfill the requirement of the Rules.

5. Although learned AGA seeks to support the impugned order passed by the Tribunal and the impugned endorsement, nevertheless the learned AGA is not able to point out from the material available on record that the petitioner was either called upon to furnish any information that could prove that the petitioner, although married, continued to live either in the parental home or along with the deceased brother and that she was dependent on the deceased brother during his lifetime.

6. Having heard the learned counsel for the petitioner, the learned AGA and on perusing the petition papers, we find that the relevant Rule that would be applicable in the facts and circumstances of this case is Rule 3(2)(ia) of the Karnataka Civil Services (Appointment on Compassionate Grounds)



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Rules, 1996 (for short Rules, 1996). For easy reference, the relevant Rule is extracted herein as follows:

"Rule - 3. Eligibility for appointment :-

(1) Appointment on compassionate grounds under these rules shall not be claimed as a matter of right and shall not be given as a matter of course.

(2) Appointment under these rules shall be restricted to the dependent of a deceased Government servant in the following order of preference, namely.

(i) in the case of the deceased male married Government Servant,-

(a) the widow; and

(b) son or daughter who is chosen by the widow of the deceased Government Servant, if the widow is not eligible or for any valid reason she is not willing to accept the appointment".

(c) who were dependent on him and were living with him.



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Note: In case spouse is pre-deceased then preference shall be given in the order of age of children.

(d) a widowed daughter, if the widow, son and unmarried daughter are not eligible or for any valid reason they are not willing to accept the appointment.

(ia) in the case of the deceased male unmarried Government Servant, his brother or sister, who is chosen by father and mother or in case of difference in their opinion, chosen by mother, who were dependent upon him and were living with him".

Note: In case parents are pre-deceased then preference shall be given in the order of age of brother/sister".

7. A plain reading of the provision makes it clear that in case of the deceased male unmarried Government servant, either the brother or sister are entitled for appointment on compassionate grounds. However, if there are more than one brother or sister,



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then the parents of the deceased Government servant may choose any of the children for appointment. The Rule does not prescribe that a married sister is not entitled for appointment. Rightly so, since the Rule itself was amended pursuant to a judgment rendered by a learned Single Judge of this Court in the case of ***Smt.Bhuvaneshwari V. Puranik Vs. State of Karnataka and Others*** reported in ***ILR 2021 KAR 5256***. The Rules which earlier enabled only an unmarried daughter of a deceased Government servant to seek appointment on compassionate grounds were thereafter amended, while also amending the definition of the term 'family' as defined in the Rules, 1996. The amendment came about on 09.04.2021. Provision is therefore made in the Rules to enable even a married daughter to seek appointment on compassionate grounds. Nevertheless, for the purpose of this case, we are concerned with Clause (ia) of sub-Rule 2 of Rule 3 of the Rules, 1996, where the term used are 'his



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brother or sister'. Therefore, there is no reference to unmarried sister. Further, since the Rule prescribes that any of the brother or sister who is chosen by the father and mother of the deceased Government servant and who were dependent upon him and were living with him, the respondents - authorities were required to call for any information from the petitioner to prove that during the lifetime of the Government servant, namely the brother of the petitioner, the petitioner, although married was dependent on him and was living with him during the lifetime of the brother. Without calling for any such information, the respondents could not have jumped into conclusion that the petitioner is not entitled for appointment, on the ground that she does not fulfill the requirement of law.

8. Moreover, the learned counsel for petitioner has also pointed out to the affidavits filed by the petitioner and her parents, wherein the parents have clearly



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stated that during the lifetime of the brother of the petitioner, the parents along with the petitioner and her husband were dependent on the deceased person and that they were all living together. Similarly, the affidavit of the petitioner also discloses that the petitioner claims to have been living with the deceased person during his lifetime, although the petitioner was married and in fact both the petitioner and her husband were also living along with the deceased person and the parents of the deceased person and that they were dependent on the deceased person even during his lifetime. The learned counsel is therefore right in her submission that without calling upon the petitioner to furnish any information that could support such a contention and without verifying these facts, the respondents could not have rejected the application on an assumption that, since the petitioner was married in the year 2019, she was living with her husband in the matrimonial house and she was not dependent on her



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brother. Such exercise not having been undertaken by the respondents, the impugned endorsement issued by respondent No.4 cannot be sustained.

9. Accordingly the writ petition is ***allowed***. The impugned order dated 09.05.2025 passed by the Karnataka State Administrative Tribunal, Bengaluru in Application No.5403/2024 is hereby quashed and set aside. The impugned endorsement dated 16/19.10.2024 at Annexure - A6 issued by the fourth respondent is also hereby quashed and set aside.

10. The matter stands remitted back to the fourth respondent to reconsider the application filed by the petitioner, while the petitioner is permitted to file any document or information to support her contention that although the petitioner was married in the year 2019, nevertheless she along with her husband continued to live with the deceased, brother of the petitioner, and that the petitioner was dependent on the deceased



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brother during his lifetime. Having regard to the relevant Rule which are applicable to the facts and circumstances of this case, it is clear that the respondents were required not to consider the definition of the term 'family', since the Rule insofar as an deceased unmarried Government servant is concerned does not require consideration of the term 'family'.

11. The fourth respondent shall consider any such information that would be provided by the petitioner and thereafter pass necessary orders in accordance with law. Information shall be given by the petitioner within a period of 4 weeks from today. The fourth respondent shall thereafter reconsider the application along with the additional information that would be supplied by the petitioner and pass necessary orders in accordance with law as expeditiously as possible and at any rate within a period of 2 months from the date on



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which the information will be provided by the petitioner.

12. Needless to observe that the fourth respondent is also permitted to call for any information which is necessary from the petitioner.

Ordered accordingly.

**Sd/-
(R DEVDAS)
JUDGE**

**Sd/-
(DR.K.MANMADHA RAO)
JUDGE**

GSR
List No.: 1 Sl No.: 1