HC-KAR
NC: 2026:KHC:61931
WP No. 17289 of 2026
CNR: KAHC010379482026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 17289 OF 2026 (S-RES)

BETWEEN:

1. SMT. DIVYA C P
   W/O LATE MACHAIAH M B
   AGED ABOUT 37 YEARS,
   PERMANENTLY RESIDING AT MARANDODA VILLAGE,
   CHEYANDANE POST,
   MADIKERI - 571 212.

... PETITIONER

(BY SRI. SATISH K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED BY PRINCIPAL SECRETARY
   DEPARTMENT OF URBAN DEVELOPMENT
   VIKAS SOUDHA, BENGALURU - 560 001.

2. THE DIRECTOR
   DEPARTMENT OF MUNICIPAL ADMINISTRATION,
   V. V. TOWER, DR. AMBEDKAR VEEDHI,
   BENGALURU - 560 001.

3. THE DEPUTY COMMISSIONER
   KODAGU DISTRICT,
   MADIKERI - 571 201.

Digitally signed by VIDYA G R
Location: HIGH COURT OF KARNATAKA

4. THE PROJECT DIRECTOR,
DISTRICT URBAN DEVELOPMENT CELL,
KODAGU DISTRICT,
MADIKERI - 571 201.

5. THE CHIEF OFFICER,
TOWN MUNICIPAL COUNCIL,
VIRAJPET, KODAGU DISTRICT - 571 218.

… RESPONDENTS

(BY SRI. GURUSWAMY K.S., ADVOCATE FOR R5;
SMT. ASHVINI PATIL, AGA FOR R1 TO R4)

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THIS W.P. IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO A) CALL FOR RECORDS FROM THE 2ND RESPONDENT IN RESPECT OF THE IMPUGNED ENDORSEMENT DATED 28/04/2026 (ANNEXURE-J) AND B) QUASH THE IMPUGNED ENDORSEMENT DATED 28/04/2026 BEARING NO. 1789285/DMA/EST2/CGA/47/2025 ISSUED BY THE R2 (ANNEXURE-J) AND CONSEQUENTLY DIRECT THE RESPONDENTS TO CONSIDER THE APPLICATION SUBMITTED BY THE PETITIONER FOR COMPASSIONATE APPOINTMENT DATED 03/04/2025 (ANNEXURE-D) AND APPOINT THE PETITIONER ON THE COMPASSIONATE GROUND AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

The present petition is filed by the petitioner, who is the wife of deceased employee seeking compassionate appointment.

2. The request of the petitioner having been rejected in terms of the endorsement at Annexure-'J' dated 28.04.2026, the same is under challenge in the present petition. In terms of the endorsement at Annexure-'J', the Director of Municipal Administration has rejected the application on the ground that the husband of petitioner as on 10.04.2006 had not completed ten years of work as daily wager and in light of the same, the husband of petitioner not having been entitled for regularisation, further proceedings regarding the compassionate appointment sought for by the petitioner could not be considered.

3. Learned Additional Government Advocate appearing on behalf of respondent State submits that,

once the husband of petitioner was not entitled to be regularised, the question of considering their case for appointment on compassionate grounds does not arise.

4. Learned Additional Government Advocate would vehemently contend that regularization could not have been made if the Circular of 13.11.2006 was followed.

5. Perused the order at Annexure-'A' dated 21.07.2007. The services of petitioner were taken note of and after following the due procedure, has been regularised by order dated 21.07.2007 as at Annexure-'A' and such order having attained finality, in the subsequent proceedings, the respondent Authorities cannot go beyond the order of regularization. Once the order of regularization has attained finality, it is impermissible for the same Authority, i.e., by the respondent to go beyond such order in collateral proceedings to try and re-open the proceedings at Annexure-'A' dated 21.07.2007.

6. The order at Annexure-'A' for regularisation having attained finality, the respondent State cannot at the present point of time contend that the order of regularization insofar as the husband of petitioner was erroneous, as the petitioner had not completed ten years as on 10.04.2006. Even without entering into the merits of the contention regarding the said cut-off date relied on by the respondent Authority, in light of the order at Annexure-'A' having attained finality, the aspect of re-opening the case of petitioner's husband regarding regularization does not arise.

7. Accordingly, the endorsement at Annexure-'J' dated 28.04.2026 is set aside. The matter is remitted for fresh consideration.

8. Accordingly, the representation of petitioner at Annexure-'D' dated 03.04.2025 to be considered and appropriate orders to be passed within an outer limit of three months from the date of receipt of certified copy of

the order. While reconsidering as ordered, the validity of the order of regularisation is not to be re-opened.

Accordingly, the petition is ***disposed of.***

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

VGR