



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 31ST DAY OF JULY 2025

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.103894 OF 2025 (S-RES)

BETWEEN:

SANTOSH YAMANAPPA WADAKAR,
AGED ABOUT 34 YEARS, OCC: EMPLOYEE,
R/O: B 143 NEAR CHOUDAPUR CROSS,
BEVOOR BAGALKOT KARNATAKA.

...PETITIONER

(BY SRI. ANKIT RAMESH DESAI ,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
PRE UNIVERSITY EDUCATION DEPARTMENT,
18TH CROSS, SAMPIGE ROAD, MALLESHWAR,
BANGALORE – 560 001, BY ITS DIRECTOR.
2. THE JOINT DIRECTOR,
PRE UNIVERSITY EDUCATION DEPARTMENT,
BANGALORE – 560 001.
3. THE PRINCIPAL SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION AND
LITERACY, 2ND GATE, 6TH FLOOR, M.S.BUILDING,
DR. AMBEDKAR VEEDHI, BENGALURU - 01.
4. THE DEPUTY DIRECTOR,
PRE UNIVERSITY EDUCATION
DEPARTMENT BAGALKOTE – 587 101.
5. THE CHAIRMAN,
ADARSH VIDYA VARDHAKA SANGHA
BEVUR BAGALKOT – 587 101.





6. THE ADDITIONAL COMMISSIONER,
SCHOOL EDUCATION DEPARTMENT ROAD,
DHARWAD – 580 002.
7. THE BLOCK EDUCATION OFFICE
SCHOOL EDUCATION DEPARTMENT,
ZILLA PANCHAYAT OFFICE
BAGALKOT – 587 101.

...RESPONDENTS

(BY SRI. P.N.HATTI, HCGP FOR R1 TO R7)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT OF CERTIORARI OR ANY OTHER WRIT OR ORDER QUASHING THE IMPUGNED ENDORSEMENT ISSUED BY THE RESPONDENT NO. 6 DATED 20.09.2024 IN NO. G.KASHEA:AAANI:35:2021-22/1623 VIDE ANNEXURE L. CONSEQUENTLY UPON QUASHING THE ENDORSEMENT ISSUE WRIT OF MANDAMUS TO THE RESPONDENTS NO. 6 TO CONSIDER THE CASE OF THE PETITIONER AND PROVIDE AN EMPLOYMENT TO THE PETITIONER ON COMPASSIONATE GROUND BY CONSIDERING APPLICATION AT ANNEXURE D AND ETC.,

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. The learned Additional Government Advocate accepts notice for the respondents.
2. The petitioner is before this Court seeking for the following reliefs:
 - I. Issue writ of certiorari or any other writ or order quashing the impugned endorsement issued by the Respondent No. 6 dated 20.09.2024 in No. G.KASHEA: Aaani.35:2021-22/1623 vide Annexure L.*
 - II. Consequently upon quashing the endorsement issue writ of mandamus to the Respondents No. 6 to consider the case of the Petitioner and provide an employment to the Petitioner on compassionate ground by considering application at Annexure D.*
 - III. Issue any other writ or order as this Hon'ble court deems fit under the circumstances of the case including the cost of this petition in the interest of justice and equity.*
3. The petitioner's father was working as a First Grade Assistant, in Adarsh Composite Pre-University College, Bevoor, Bagalkot District, an aided institution. He passed away while in service on 18.11.2009.
4. Pursuant to his demise, the petitioner submitted an application for compassionate appointment to Respondent No. 5- Chairman of Adarsh Vidya Vardhaka



Sangha. The said application was forwarded to Respondent No. 4 – Deputy Director of Pre-University Education, who rejected the application on the ground that there was no vacancy in the institution where the deceased employee was working. The same was also endorsed by Respondent No. 2.

5. The learned counsel for the petitioner submits that under the Karnataka Pre-University Education (Appointment on Compassionate Grounds) (Amendment) Rules, 2010 (for short the Rules 2010), the Deputy Director is required to not only consider vacancies in the deceased's institution but also in any aided private pre-university institution within the district. In the event no such vacancy exists, the Director is required to identify a vacancy anywhere in the State.
6. It is thus contended that the rejection solely on the ground of non-availability of vacancy in the specific institution is contrary to the Rules 2010.



7. The learned Additional Government Advocate supports the impugned endorsement and contends that in the absence of a vacancy in the institution, the application could not be considered.
8. I have heard the learned counsel for the parties and perused the material on record.
9. The short question that arises for consideration is: Whether an application for compassionate appointment can be rejected solely on the ground that there is no vacancy in the educational institution where the deceased employee was serving?
10. Clause 1(a) and (b) of the Karnataka Pre-University Education (Academic, Registration, Administration, Grant-in-aid etc.) (Amendment) Rules, 2010, reads as follows:

"(1) In case a vacancy is not available in the private aided educational, institutions imparting Pre-university Education, where the deceased employee has worked, the eligible dependent of such an employee, who seeks appointment under these rules, may be appointed on compassionate grounds, against a vacancy available in any other aided private



educational institution in the manner specified below:-

(a) The Deputy Director of Pre-University Education concerned shall identify the vacancy available in any other aided private educational institution imparting Pre-University Education within the district where the deceased employee worked and direct such an institution to take necessary action to appoint the dependent concerned to such a vacancy. Upon the receipt of such a direction, the managing committee of the institution shall formulate a proposal and forward the same to the competent authority seeking approval to the appointment.

(b) In case no vacancy is available within the district where the deceased employee worked, the Deputy Director of Pre-University Education shall forward the records to the Director, Pre-University Education who shall identify the vacancy available in any other aided private educational institution imparting Pre-University Education anywhere in the state and direct such an institution to take necessary action to appoint the dependent concerned to such a vacancy. Upon receipt of such a direction, the managing committee of the institution shall formulate a proposal and forward: the same to the competent authority seeking approval to the appointment."

11. A plain reading of the above provision indicates that the compassionate appointment firstly is required to be made in the private aided educational, institutions



imparting Pre-university Education where the deceased employee has worked, in case a vacancy is not available in the private aided educational, institutions imparting Pre-university Education, where the deceased employee has worked, Deputy Director is first required to identify vacancies in any aided pre-university institution within the district, and in the absence of such vacancy, the Director must identify and allocate a vacancy anywhere within the State.

12. In the present case, the petitioner's application has been rejected solely on the ground that no vacancy exists in the institution where his father was working. This rejection is in clear contravention of the mandate under Clause 1(a) and (b) of the Rules 2010.
13. The respondents are duty-bound to act in strict conformity with the Rules while considering the petitioner's legitimate claim for compassionate appointment.



14. Hence, I answer the point raised by holding that where the employee was working in a private aided education institution imparting pre-university education and an application for compassionate appointment is made,

14.1. Firstly, an attempt would have to be made to grant a compassionate appointment to such an applicant in a private aided education institution, where the deceased employee worked.

14.2. Secondly, in the event of no vacancy being available at the private aided education institution where the deceased was working, then the Deputy Director is required to identify the vacancy in any other private aided education institution within the district where the deceased worked and appoint the applicant therein.

14.3. Thirdly, in the event of no vacancy being available within the district, then the matter would be escalated to the Director, who is duty-bound to identify and fill vacancies in private



aided education institutions imparting pre-university education anywhere within the State and appoint the applicant on compassionate grounds.

15. Accordingly, I pass the following:

ORDER

- i. The writ petition is **allowed**.
- ii. The order dated 20.09.2024, bearing No. G.KASHEA:Aaani.35:2021-22/1623, passed by Respondent No. 6 is **quashed**.
- iii. The matter is remitted to respondent No.4 – Deputy Director of Pre-University Education to reconsider the petitioner's application for compassionate appointment by identifying the vacancy within the district where the deceased worked. If no such vacancy is available, to escalate the matter to the Director, so as to enable him to identify the vacancy within the State for such appointment.



NC: 2025:KHC-D:9480
WP No. 103894 of 2025

- iv. The above exercise shall be completed within
a period of eight weeks from the date of
receipt of a certified copy of this order.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

VB/CT-ASC
List No.: 1 Sl No.: 43