

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(ARISING OUT OF S.L.P. (C) NO.11623 OF 2026)

SAYARA KHATOON @ SHAYARA KHATOON & ANR. ...APPELLANTS

VERSUS

THE STATE OF BIHAR & ORS. ...RESPONDENTS

O R D E R

1. Leave granted.

2. The present appeal has been preferred against the order of the High Court of Judicature at Patna, whereby the request of the appellants for appointment of appellant No.2 on compassionate grounds, following the death of the husband of appellant No.1 and father of the appellant No.2, was rejected. The rejection was on two grounds, namely, the objection raised by the brother of appellant No.1 and the policy formulated by the Government of Bihar dated 10.12.2014, under which only a divorced or deserted daughter is eligible for appointment on compassionate grounds.

3. The learned counsel appearing for the appellants submits that the very same brother had earlier furnished a no objection certificate. Thus, the said ground for rejection no longer survives. The other ground for

rejection, according to the learned counsel is that the policy dated 10.12.2014, which restricts compassionate appointment to a daughter only if she is divorced or deserted. It is contended that the policy is violative of Article 14 of the Constitution of India, 1950.

4. The learned counsel for the respondent submitted that the policy has not been challenged and the rationale behind the policy is that a daughter, upon marriage is ordinarily expected to leave her parental home. It was further submitted that compassionate appointment is not a matter of right and the same is governed by the policy.

5. This Court has repeatedly held that any classification differentiating a daughter from a son is, *per se*, unconstitutional. On a perusal of the policy, we find that classification restricting eligibility only to a divorced or deserted daughter cannot be sustained in the eye of law. There cannot be a presumption in law that, after marriage, a daughter severs her ties with her parental family and resides with husband in her matrimonial home. In the present case, a specific statement has been made by the appellant that, although her divorce has not been formally recognized by law, she has been also living with her parental family. In fact, she has the support of her entire family including her mother and brother. In any event, adopting a hyper-

technical approach cannot be a ground to deny consideration of her claim for compassionate appointment, the appeal is entitled for consideration on merits. As already stated, the objection of the brother also no longer survives.

6. In view of the above, we are inclined to set aside the impugned order and consequently, the order rejecting claim for compassionate appointment also stands set aside. The respondent is directed to consider the case of the appellant for compassionate appointment on merits within a period of eight weeks from the date of receipt of a copy of this order.

7. Accordingly, the Civil Appeal is allowed.

8. Pending application(s), if any, shall stand disposed of.

.....J.
(M.M. SUNDRESH)

.....J.
(PRASANNA B. VARALE)

New Delhi;
July 23, 2026.

Petition(s) for Special Leave to Appeal (C) No(s). 11623/2026
[Arising out of impugned final judgment and order dated 16-04-2025
in LPA No. 719/2023 passed by the High Court of Judicature at
Patna]

SAYARA KHATOON @ SHAYARA KHATOON & ANR.

Appellant(s)

VERSUS

THE STATE OF BIHAR & ORS.

Respondent(s)

(IA No. 81932/2026 - CONDONATION OF DELAY IN FILING
IA No. 81936/2026 - EXEMPTION FROM FILING O.T.)

Date : 23-07-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s): Ms. Rashmi Singh, Adv.
Mrs. Priyansha Sharma, AOR
Mr. Subhan Shankar Gogoi, Adv.

For Respondent(s): Mr. Manish Kumar, AOR
Mr. Divyansh Mishra, Adv.
Mr. Kumar Saurav, Adv.

Upon hearing the counsel, the Court made the following
O R D E R

1. Delay condoned.
2. I.A. No. 81936 of 2026 seeking exemption from filing
official translation is allowed.
3. The Appeal is allowed in terms of the signed order.
4. Pending application(s), if any, shall stand disposed of.

(SHUBHAM SONI)
COURT MASTER (SH)

(POONAM VAID)
ASSISTANT REGISTRAR
(Signed order is placed on file)