

*** THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**

+W.P.NO.1019 OF 2024

APHC010015302024



% 12.08.2026

#Between:

B. Sobha, and Others

...Petitioner(s)

\$And:

The State Of Andhra Pradesh and Others

...Respondent(s)

! Advocate for Petitioner:

G JAGADEESWAR

^ Advocate(s) for Respondent(s):

GP FOR SERVICES II, K
VISWANATHAM (SC FOR APSRTC)

<Gist:

>Head Note:

? Cases referred:

1. 2026 SCC OnLine SC 1059

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

+W.P.NO.1019 OF 2024

B. Sobha, and Others

...Petitioner(s)

\$And:

The State Of Andhra Pradesh and Others

...Respondent(s)

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE BALAJI MEDAMALLI

1. Whether Reporters of Local newspapers may
be allowed to see the Judgment/Order ? Yes/No
2. Whether the copies of Judgment/Order may be marked
to Law Reporters/Journals? Yes/No
3. Whether Your Lordships wish to see the fair
copy of the Judgment/Order? Yes/No

JUSTICE BALAJI MEDAMALLI

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**W.P.No.1019 of 2024****ORDER:**

The writ petition is filed seeking the following relief:

“...to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the impugned Proceedings No. E6/785(02)/2023-DPTO(T) Dated. 18-11-2023, in rejecting the claim of the Petitioners for considering the candidature of the 2nd petitioner for compassionate appointment in place her deceased father Sri late Boyana Chenchu Krishnaiah, Driver (Employee No. E551664) in APSRTC, as illegal, arbitrary and discrimination and contrary to the Comprehensive Guidelines issued vide Proceedings No. P3/140(11)/2021-PO.I and G.O.Ms.No. 350, GAD Dated. 30-07-1999, and set aside the impugned rejection orders, and consequently direct the respondents to consider the candidature of the 2nd petitioner for appointment on compassionate grounds, for survival of the deceased family in terms of the orders issued in G.O.Ms.No. 350 GAD, Dated. 30-7-1999...”

2. Heard learned counsel for the petitioners, learned Assistant Government Pleader for Services II and learned Standing Counsel for APSRTC appearing for respondents.

3. The case of the petitioners is that the husband of the 1st petitioner, namely, Chenchu Krishnaiah (hereinafter referred to as “the deceased”), was working as a Driver in the APSRTC, Srikalahasti Depot, and died in harness on 28.10.2022, leaving behind his son - Boyana Uday Kumar, and daughter - Boyana Sony/2nd petitioner, as his legal representatives. 2nd petitioner is married to one Sri R. Yetti Rajulu, who is unemployed, and both of them are stated to be wholly dependent upon the deceased. It is further stated that the son of the deceased is living separately at

Bangalore and is not looking after the family of the deceased. Hence, 1st petitioner made a request to the respondent authorities to consider the case of the 2nd petitioner for appointment on compassionate grounds. Along with the application, she submitted the Family Member Certificate, No-Earning Member Certificate, No-Property Certificate and other relevant documents. However, the respondent authorities rejected the claim of the petitioners on the ground that the 2nd petitioner, being a married daughter of the deceased, is not eligible for appointment on compassionate grounds in terms of G.O.Ms.No.350, dated 30.07.1999.

4. Learned counsel for the petitioners submits that a daughter does not cease to be a member of her parental family merely by reason of her marriage, as there may be cases where a married daughter continues to be dependent upon and form part of the parental family. In the instant case, the 2nd petitioner is wholly dependent on the deceased even after her marriage. Therefore, merely because she is a married cannot be a valid ground for rejecting her claim for appointment on compassionate grounds.

5. Learned counsel for the petitioners placed reliance on the judgment of this Court in W.P.No.8025 of 2025, wherein a Coordinate Bench of this Court, referring to G.O.Ms.No.350, General Administration (SER-A) Department, dated 30.07.1999, allowed the writ petition holding that a married daughter is entitled to be considered for compassionate

appointment, subject to the conditions stipulated in the said G.O. The relevant portion of the G.O., reads as under:

“4. In such cases Government hereby clarify when there is only a married daughter to the deceased Government employee without older or younger brothers or sisters and the spouse of the deceased Government employee is not willing to avail the compassionate appointment, such married daughter may be considered for compassionate appointment provided she is dependent on the deceased Government employee and subject to satisfying the other conditions and instructions issued on the scheme from time to time.”

6. Placing reliance on the above, learned counsel submitted that in the instant case also, there is no objection from the sibling or spouse of the deceased. Therefore, 2nd petitioner, being dependent upon her deceased father, is entitled for appointment on compassionate grounds. Hence, the rejection order dated 18.11.2023 is unsustainable in law and prays to set aside the same.

7. Per contra, learned Standing Counsel for APSRTC submitted that the request of the petitioners for compassionate appointment was rejected in terms of Circular No.PD-06/2021, dated 09.11.2021, vide G.O.Ms.No.350, dated 30.07.1999. Under the said Government Order, a married daughter is eligible for appointment on compassionate grounds only when she has no brother or sister. In the instant case, the deceased left behind the 2nd petitioner, who is a married daughter, and a son. Therefore, the 2nd petitioner is not eligible for appointment on compassionate grounds. Accordingly, the respondent authorities have rightly rejected the claim of the petitioners and, hence, no interference by this Court is warranted in the present writ petition.

8. Considered the submissions made on either side and perused the material on record.

In ***Kulsum Nisha v. State of UP***¹, the Hon'ble Apex Court held that the exclusion of a married daughter from the definition of “family” cannot be sustained. The object of allotment under the dependent quota is to provide immediate succour to the family of a deceased dealer facing financial hardship. The relevant considerations are dependency, financial need, residence, and the ability of the applicant to discharge the obligations attached to the dealership. Marital status bears no rational nexus to any of these considerations. The assumption that upon marriage a daughter ceases to be a member of, or dependent upon, her parental family 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 within the definition. Dependency is a question of fact and cannot be conclusively determined by reference to marital status alone. Significantly, the scheme does not exclude a married son from consideration. A son continues to remain within the fold of the family irrespective of his marital status, whereas a daughter is excluded solely

¹ 2026 SCC OnLine SC 1059

because she is married. The distinction is founded upon a gender-based stereotype that a daughter, upon marriage, becomes a member of another family and loses all ties with her natal family. Such a presumption is incompatible with the constitutional guarantee of equality and perpetuates historical notions of gender inequality which the Constitution seeks to eradicate and finally, the Hon'ble Apex Court held that marital status cannot constitute a valid ground for denying the benefit of a welfare measure to an otherwise eligible daughter. The relevant portion of the judgment reads as under:

17. *A Constitution Bench of this Court after taking note of a decision rendered by seven Judge Bench of this Court has held that Article 14 of the Constitution forbids class legislation, but permits reasonable classification for the purposes of legislation. A classification, however, must satisfy two conditions, firstly, it must be founded upon an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group, and secondly the differentia must have a rational relation to the object sought to be achieved by the statute in question. The doctrine of equality has, over time, evolved beyond a narrow classification test. State action, which is arbitrary, irrational, capricious, or founded on impermissible stereotypes is equally vulnerable to challenge under Article 14.*

18. *Examined on the touchstone of these principles, the exclusion of a married daughter from the definition of "family" cannot be sustained. The object of allotment under the dependent quota is to provide immediate succour to the family of a deceased dealer facing financial hardship. The relevant considerations are dependency, financial need, residence, and the ability of the applicant to discharge the obligations attached to the dealership. Marital status bears no rational nexus to any of these considerations.*

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 within the definition. Dependency is a*

question of fact and cannot be conclusively determined by reference to marital status alone.

20. *Significantly, the scheme does not exclude a married son from consideration. A son continues to remain within the fold of the family irrespective of his marital status, whereas a daughter is excluded solely because she is married. The distinction is founded upon a gender-based stereotype that a daughter, upon marriage, becomes a member of another family and loses all ties with her natal family. Such a presumption is incompatible with the constitutional guarantee of equality and perpetuates historical notions of gender inequality which the Constitution seeks to eradicate.*

...

...

...

27. *We are in agreement with the view taken in Vimla Srivastava (supra) by the Division Bench of the Allahabad High Court and the decisions of the Bombay, Karnataka and Calcutta High Courts which have recognised the principle that marital status cannot constitute a valid ground for denying the benefit of a welfare measure to an otherwise eligible daughter. To the extent the contrary view expressed in Saida Begum and Smt. Kusumlata (supra), does not lay down the correct law and stand overruled.*

9. In view of the ratio laid down by the Hon'ble Apex Court in the above said judgment and having regard to the judgment of this Court relied upon by the petitioners that married daughter is also entitled for compassionate appointment provided she is dependent on the deceased Government employee, this Court is of the considered opinion that 2nd petitioner is entitled for appointment on compassionate grounds. Hence, the impugned order of rejection dated 18.11.2023 is unsustainable.

10. At this juncture, learned Standing Counsel for APSRTC submits that, consequent upon the merger of APSRTC into the State Government, the District Collector is now the competent authority to make appointments on compassionate appointment, in terms of G.O.Ms.No.22, dated 01.07.2022.

11. In view of the foregoing reasons, the order of rejection vide Proceedings No. E6/785(02)/2023-DPTO(T), dated 18.11.2023 is hereby set aside and the matter is remitted back to the District Collector to consider the case of the 2nd petitioner for compassionate appointment without reference to the objection that she is a married daughter. The said exercise shall be completed within a period of four (4) months from the date of receipt of a copy of this order.

12. Accordingly, writ petition is allowed.

As a sequel, miscellaneous applications, pending, if any, shall stand closed.

JUSTICE BALAJI MEDAMALLI

Date: 12.08.2026

Dvs

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

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Dt: 12.08.2026

Dvs