



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 7366/2013

Kshama Chaturvedi Daughter Of Late Shri Anand Prakash Chobe
W/o Shri Kuldeep Chaturvedi, 200/12, Bajaj Khana, Kota,
Rajasthan.

----Petitioner

Versus

1. The State Of Rajasthan Through Its Principal Secretary,
Department Of Education, Secretariat, Jaipur
2. Director, Secondary Education, Rajasthan, Bikaner
3. District Education Officer Secondary, Jaisalmer.
4. District Collector, Jaisalmer.

----Respondents

For Petitioner(s) : Mr. Sunil Samdaria.

For Respondent(s) : Mr. S. Zakawat Ali, AGC.

HON'BLE MR. JUSTICE INDERJEET SINGH

Order

31/10/2022

Instant writ petition has been filed by the petitioner with the
following prayers:-

"It is, therefore, most respectfully prayed
that this Hon'ble Court may graciously be
pleased to allow this writ petition and
further be pleased to;

(a) issue an appropriate writ, order or
direction in the nature thereof, thereby
quash and set aside the impugned action of
the respondents in not giving the
compassionate appointment to the
petitioner;

(b) issue an appropriate writ, order or
direction in the nature thereof, thereby
directing the respondents to give the
compassionate appointment to the
petitioner on any suitable post;



(c) any other appropriate order or direction which may be deemed just and proper in the facts and circumstances of the case may also kindly be passed in favour of the petitioner.”

Brief facts of the case are that the deceased government employee, while working on the post of Senior Teacher (English) with the respondents-Department died on 29.11.2008. Thereafter, the petitioner (unmarried daughter of the deceased) filed an application on 12.12.2008 for giving her compassionate appointment under the Rajasthan Compassionate Appointment of Dependents of Deceased Government Servants Rules, 1996 (hereinafter to be referred as 'Rules of 1996'). After one year of submitting the application the petitioner solemnized marriage on 01.12.2009 and almost for a period of four years the matter remained pending and ultimately when the respondents decline to give appointment to the petitioner on compassionate ground under the Rules of 1996, the petitioner approached this court by filing of present writ petition.

Counsel for the petitioner submits that the petitioner is entitled for compassionate appointment, being unmarried daughter of the deceased government employee and the application in this regard was also filed by the petitioner with the respondents within time but the respondents have not given the compassionate appointment to the petitioner under the Rules of 1996.

In support of the contention counsel for the petitioner relied upon the judgment passed by the Co-ordinate Bench of this court at Principal seat Jodhpur in the matter of **Smt. Sonu Devi Vs. The State of Rajasthan & Ors. (S.B. Civil Writ Petition**



No.9022/2014) decided on 10.02.2017, wherein the following order was passed:-

“9. Accordingly, it is held that the petitioner who had applied as an unmarried daughter would be entitled to be appointed under the Rules 1996. If the submission of the counsel for the respondent is to be accepted then it would be a case where a dependant unmarried daughter even after appointment may not be allowed to get married, as the situation of a woman and her status may change, she cannot be deprived of her rightful claim under the Rules of 1996. The judgment passed by the Division Bench in the case of Seema (supra) is distinguishable as the same only relates to the case where a claimant was a married daughter at the time of death of the deceased Government Servant and she challenged Rule 2 (c) of the Rules of 1996. The Court has not accepted the said petition and has refused to even examine the validity of the Rule 2 (c) of the Rules of 1996. The same would, therefore, not be applied to the facts and circumstances of the present case. The judgment passed by the Apex Court in the case of Canara Bank (Supra) gives a guideline for finding as to what should be the date. This Court respectfully agrees to the view and taking into consideration all the aspects, allow the writ petition.

10. Accordingly, the writ petition is allowed. The order dated 03.06.2013 passed by is quashed and set-aside. The petitioner is directed to be considered for compassionate appointment under the Rules of 1996 as per her application moved on 08.02.2013 with all consequential benefits. The said exercise may be conducted within a period of three months from today, failing which, the petitioner shall be free to initiate contempt proceedings without any further notice.”

Reply to the writ petition has been filed by the respondents and the counsel appearing on behalf of the respondents submitted



that the petitioner being married, is not entitled for compassionate appointment.

Heard counsel for the parties and perused the record.

This writ petition filed by the petitioner deserves to be allowed; for the reasons, firstly, admittedly, at the time of submitting the application for compassionate appointment the petitioner was unmarried; secondly, the objection raised by the respondents regarding marriage of the petitioner is not sustainable as the petitioner solemnized marriage after one year of submitting the application for compassionate appointment and lastly, in view of the judgment passed by this court at Principal seat Jodhpur in the matter of Smt. Sonu Devi Vs. State of Rajasthan & Ors. (supra), I am inclined to exercise the jurisdiction of this Court under Article 226 of the Constitution of India.

In that view of the matter, the present writ petition is allowed and the respondents are directed to consider the case of the petitioner for giving her compassionate appointment under the Rules of 1996 as per the application dated 12.12.2008 with all consequential benefits. Necessary exercise be completed within a period of three months.

All the pending applications stand disposed of.

(INDERJEET SINGH),J

MG/64