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**(2011) 01 RAJ CK 0091**  
**In the Rajasthan High Court**  
**Case No : Civil Writ Petition No. 334 of 2011**

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|------------------------------------|----|------------|
| Smt. Rukmani Devi and Another      | Vs | APPELLANT  |
| Government of Rajasthan and Others |    | RESPONDENT |

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**Date of Decision :** 12-01-2011

**Acts Referred:**

Rajasthan Compassionate Appointment of Dependents of Deceased Government Servant Rules, 1996 — Rule 10(3)

**Citation :** (2011) 01 RAJ CK 0091

**Hon'ble Judges :** Mohammad Rafiq, J

**Bench :** Single Bench

**Final Decision :** Dismissed

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## Judgement

Mohammad Rafiq, J.—Petitioners have filed this writ petition assailing order dated 26.03.2010 (Annexure-5) of Block Elementary Education Officer, Mundawar (Alwar) by which their application for compassionate appointment of Petitioner No. 2 has been rejected.

2. Contention of learned Counsel for Petitioner is that deceased government servant Bhagawat Prasad, who is husband of Petitioner No. 1 and father of Petitioner No. 2, died on 19.01.1996 while in service; he was a Teacher in Government Middle School. His widow Petitioner No. 1 applied on 20.02.1996 for compassionate appointment of her son Petitioner No. 2, who at relevant time was minor, on attaining majority. Said application has been rejected by Respondent No. 3 vide order 26.03.2010, and according to Petitioners he was not competent to reject their application and he should have referred the matter to competent authority. Application was filed within one month from date of death of deceased government servant. It is therefore prayed that writ petition be allowed.

3. I am afraid, no mandamus can be issued by this Court after elapse of almost 15 years of death of concerned government servant, for appointment of Petitioner No. 2 on compassionate ground. Provision made in Rule 10 (3) of the Rajasthan Compassionate Appointment of Dependents of Deceased Government

Servants Rules, 1996 to the effect that after death of Government servant, whenever his dependent attains majority he can apply for compassionate appointment, has been struck down by judgment of this Court in Mancha Ram v. State of Rajasthan and Ors. RLR 2001 (1) 433. Division Bench of this Court in Board of Revenue for Rajasthan and Anr. v. Rajendra RLR 2001 (1) 500 has also held that providing limitation for making application from date of death of government servant is justified on analogy that compassionate appointment is required to be given at earliest immediately after death of deceased government servant to redeem the bereaved family to alienate it in the time of crisis.

4. I therefore do not find any merit in this writ petition and it is hereby dismissed.