RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 6134/2025
CNR: RJHC010258322025 | URN: CW / 10082U / 2025

Rajasthan High Court
सत्यमेव जयते
Web Copy - Not Official

Surbhi Teotia D/o Late Dr. Surendra Teotia, Aged About 24 Years, R/o 11-H-24, Tilak Nagar, Bhilwara, Rajasthan.

----Petitioner

Versus

1. State of Rajasthan, Through Directorate of Animal Husbandry, Jaipur.
2. Directorate, Animal Husbandry, Jaipur, Rajasthan.
3. Joint Director, Animal Husbandry, Department, Bhilwara.

----Respondents

For Petitioner(s) : Ms. Shobha Prabhakar
For Respondent(s) : Mr. Samir Shrimali

HON'BLE MR. JUSTICE KULDEEP MATHUR

ORDER

05/11/2026

1. The present writ petition under Article 226 of the Constitution of India has been filed by the petitioner assailing the order dated 26.06.2024, whereby her claim for compassionate appointment on account of death of her father under the provisions of Rajasthan Compassionate Appointment of Dependents of Deceased Government Servants Rules, 1996 (*hereinafter* referred to as 'the Rules of 1996'), has been rejected.

2. The father of the petitioner, Dr. Surendra Kumar, was serving as Senior Veterinary Medical Officer in the Animal Husbandry Department and died in harness on 30.12.2023. The petitioner was married to Aman Takshak on 15.06.2020. During the subsistence of their marriage, matrimonial disputes arose between

(Uploaded on 15/11/2026 at 01:15:07 PM)
(Downloaded on 16/11/2026 at 09:53:47 AM)

RAJASTHAN HIGH COURT सत्यमेव जयते

the spouses. The petitioner had also instituted criminal proceedings against her husband by lodging an FIR No.232/2022 dated 05.12.2022 and had also sought maintenance under Section 125 Cr.P.C. Thereafter, the marriage between the petitioner and her husband was dissolved by a decree of divorce passed by the competent court by mutual consent dated 20.01.2024.

Rajasthan High Court Web Copy - Not Official सत्यमेव जयते

3. Following the death of her father, the petitioner submitted an application seeking compassionate appointment, along with the requisite documents and no-objection affidavits furnished by her mother and sister. The application was forwarded by the Joint Director, Animal Husbandry Department, to the Directorate vide communication dated 11.03.2024. Since the post of Information Assistant was not available in the Department, the petitioner's case was referred to the Department of Personnel, which, vide order dated 20.06.2024, returned the case on the ground that the decree of divorce had been passed after the death of the deceased employee and, therefore, the petitioner did not fall within the definition of 'dependent' under Rule 2(c) of the Rules of 1996. Acting upon the said decision, the Directorate passed the impugned order dated 26.06.2024, rejecting the petitioner's claim. Aggrieved thereby, the petitioner has approached this Court by way of filing the instant writ petition.

4. Learned counsel for the petitioner submits that the petitioner's claim claim for compassionate appointment scould not have been rejected merely on the ground that the decree of divorce was passed after the death of her father. It is contended that the petitioner had already left her matrimonial home and was

(Uploaded on 15/11/2026 at 01:15:07 PM)
(Downloaded on 16/11/2026 at 09:53:47 AM)

RAJASTHAN HIGH COURT
सत्यमेव जयते

residing with her parents, without any independent source of income, and was financially dependent solely upon her father. Reliance is placed upon the decisions in ***Indira Bishnoi Vs. State of Rajasthan & Ors. (S.B. Civil Writ Petition No.14502/2015), State of Rajasthan & Ors. Vs. Deepika Sharma (D.B. Special Appeal Writ No.983/2019) and Priyanka Shrimali Vs. State of Rajasthan & Ors. (Civil Reference No.1/2022)***, to contend that marital status, by itself, cannot be treated as a disqualification for grant of compassionate appointment and that the question of dependency is required to be examined in the context of the actual circumstances of the family. She thus implored the Court to quash and set aside the impugner order dated 26.06.2024 (Annexure-09) and seeks direction upon the respondent department to accord compassionate appointment to her as per her qualifications.

Rajasthan High Court
Web Copy - Not Official
सत्यमेव जयते

5. *Per contra*, learned counsel for the respondents submits that the petitioner's case was considered by the Department of Personnel, which, vide order dated 20.06.2024, returned the proposal after recording the finding that the petitioner did not fall within the definition of *'dependent'* under Rule 2(c) of the Rules of 1996, as the decree of divorce had been passed after the death of her father. It is further contended that the petitioner has neither challenged the said order nor impleaded the Department of Personnel, which had taken the decision forming the basis of the impugned order dated 26.06.2024. On these grounds, dismissal of the writ petition is sought.

(Uploaded on 15/11/2026 at 01:15:07 PM)
(Downloaded on 16/11/2026 at 09:53:47 AM)

6. Heard learned counsel for the parties. Perused the relevant Rules as well as the material available on record.

7. Having considered the rival submissions and upon perusal of the material available on record, this Court finds that the controversy involved in the present case essentially revolves around the petitioner's eligibility for consideration of compassionate appointment, particularly in view of the fact that the decree of divorce in her favour was passed after the death of her father. In this regard, the decision rendered by the Larger Bench of this Court in ***Priyanka Shrimali (supra)*** assumes importance. The Larger Bench of this Court, which was constituted to render its opinion on the entitlement of a married daughter to compassionate appointment, held as under:

> *"As a consequence, it is directed that on account of striking down of the word 'unmarried' from the definition - (i) the same shall not affect any case, wherein compassionate appointment has already been granted under the provisions as they stood before this order; (ii) the same by itself would not provide a cause of action to any applicant and would apply to cases which are either pending before the competent authority and/or to the cases where litigation is pending on the date of this order only; (iii) the provisions and other requirements of the definition regarding the applicant being wholly dependent on the government servant at the time of his/her death would be scrupulously applied; (iv) all the parameters as laid down by Hon'ble Supreme Court for grant of compassionate appointment shall also be scrupulously followed and that (v) all other provisions of the Rules, except the inclusion of the 'married daughter' in the definition of 'dependent', shall have full application. The matters be now placed before the Division Bench for appropriate orders."*

8. The facts as disclosed in the writ petition indicate that, at the time of the death of the Government servant, the petitioner, owing

(Uploaded on 15/11/2026 at 01:15:07 PM)
(Downloaded on 16/11/2026 at 09:53:47 AM)

RAJASTHAN HIGH COURT सत्यमेव जयते

to ongoing matrimonial disputes with her husband, was living separately from him at her parental home and was wholly dependent upon her parents for her livelihood. Be that as it may, even if the petitioner had been living separately from her father at her matrimonial home, the law laid down by the Larger Bench of this Court in ***Priyanka Shrimali (supra)***, whereby the word *'unmarried'* was struck down from the definition of *'dependent'* under Rule 2(c) of the Rules of 1996, would apply. The petitioner's claim for compassionate appointment could not have been rejected by the respondent-Department solely on the ground of her being married. Thus, the marital status of a daughter of a Government servant seeking compassionate appointment cannot be treated as a disqualification, and the question of dependency is required to be examined in the context of the prevailing circumstances of the family.

Rajasthan High Court सत्यमेव जयते Web Copy - Not Official

Before parting with the order, it is noted that though learned counsel for the respondents has raised an argument that the Department of Personnel has not been impleaded as a party respondent in the preset case, however this Court finds that letter/communication/order dated 20.06.2024 issued by the Finance Department reference of which finds place in impugned letter/communication/order dated 26.06.2024 (Annexure-09) was never independently issued or served upon the petitioner. Thus, the complete contents of the letter/communication/order dated 20.06.2024 are not available with the petitioner.

9. In the backdrop of the factual scenario coupled with the preposition of law, the petitioner's claim for compassionate

(Uploaded on 15/11/2026 at 01:15:07 PM)
(Downloaded on 16/11/2026 at 09:53:47 AM)

RAJASTHAN HIGH COURT सत्यमेव जयते

appointment could not have been brushed aside by the respondent-Department merely on the ground that a formal decree of divorce was passed subsequent to the death of her father. In the opinion of this Court, the material placed on record not only indicates that, at the time of the death of her father, who was a Government servant, the petitioner was residing with him but also establishes that she was solely dependent upon him. Therefore, her claim for compassionate appointment could not have been rejected by the Director, Department of Animal Husbandry, vide order dated 26.06.2024 (Annexure-9), on the ground of her marital status..

Rajasthan High Court Web Copy - Not Official सत्यमेव जयते

10. In the result, the present writ petition deserves to be and is hereby allowed. The impugned order dated 26.06.2024 (Annexure-9), issued by the office of the Director, Department of Animal Husbandry, is quashed and set aside. The respondents are directed to grant compassionate appointment to the petitioner, subject to fulfilment of the other eligibility conditions prescribed under the Rules of 1996, within a period of ninety days from the date of receipt of a certified copy of this order. All consequential benefits shall operate prospectively.

11. All pending applications, if any, stand disposed of.

(KULDEEP MATHUR),J

Crt_9 (1810)
S-A/318
Himanshu Singh

(Uploaded on 15/11/2026 at 01:15:07 PM)
(Downloaded on 16/11/2026 at 09:53:47 AM)