APHC010444482024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3573]
(Special Original Jurisdiction)

MONDAY, THE 12th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 23075/2024

Between:

1. KASULA ROSHINI, D/O KASULA SUBHAN AGED ABOUT 33 YEARS, R/O D.NO. 10-115, INDIRA COLONY, MOLAKALACHERUVU, (V AND M), CHITTOOR DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, TRANSPORT DEPARTMENT, VELAGAPUDI, GUNTUR DISTRICT.
2. THE ANDHRA PRADESH PUBLIC TRANSPORT DEPARTMENT APSRTC, REP BY ITS MANAGING DIRECTOR, VIJAYAWADA.
3. THE EXECUTIVE DIRECTOR, A.P.S.R.T.C, VIJAYAWADA.
4. THE REGIONAL MANAGER, A.P.S.R.T.C, CHITTOOR DISTRICT
5. THE DY CHIEF PERSONNEL MANAGER, A.P.S.R.T.C, CHITTOOR DISTRICT
6. THE DISTRICT PUBLIC TRANSPORT OFFICER, ANNAMAYYA DISTRICT,
7. THE DISTRICT COLLECTOR, RAYACHOTY, ANNAMAYYA DISTRICT. RESPONDENT NO.7 IMPLEADED AS PER C.O. DT 06.01.2024 VIDE IA NO.2 OF 2024 IN WP NO.23075 OF 2024
8. THE DISTRICT COLLECTOR, CHITTOOR DISTRICT. RESPONDENT NO.8 IS IMPLEADED, AS PER C.O. DT 7.9.2026, PASSED IN IA NO.1/2026 IN WP NO.23075/24

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents, in rejecting the claim of

the petitioner for compassionate appointment in the department of the respondent, vide proceedings No.P1/876(1)/2024-DPTO/ANMA, dated 13.9.2024, as illegal, ultra vires. violative to Articles 14, 19, 21 of the Constitution of India, and dicta laid down by the Hon'ble High Courts, and consequently set aside the impugned proceedings No.P1/876(1)/2024-DPTO/ANMA, dated 13.9.2024, directing the respondents to appoint the petitioner on compassionate grounds in the Andhra Pradesh Public Transport Department (APSRTC), and pass

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to consider my case under compassionate ground by suspending the impugned proceedings vide No.P1/876(1)/2024-DPTO/ANMA, dated 13.9.2024 pending disposal of main writ petition, and pass

IA NO: 2 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to add the proposed respondent as respondent No.7 in the above writ petition and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased May be pleased to implead the proposed respondent as Respondent No.8 in W.P.No.23075 of 2024, as a necessary and proper party to the present writ petition, and pass

IA NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased this Hon'ble Court may be pleased to grant leave to file counter affidavit in W.P.No.23075 of 2024 in the interest of justice and maybe pleased to pass such other order or orders as this Hon'ble Court may be deem fit and proper

Counsel for the Petitioner:

1. P HEMACHANDRA

Counsel for the Respondent(S):

1. ARAVALA RAMA RAO(SC FOR APSRTC KKAC)
2. GP FOR SERVICES II

The Court made the following:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

ORDER:

The Writ Petition is filed for the following relief:

> "…*to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents, in rejecting the claim of the petitioner for compassionate appointment in the department of the respondent, vide proceedings No.P1/876(1)/2024-DPTO/ANMA, dated 13.9.2024, as illegal, ultra vires. violative to Articles 14, 19, 21 of the Constitution of India, and dicta laid down by the Hon'ble High Courts, and consequently set aside the impugned proceedings No.P1/876(1)/2024-DPTO/ANMA, dated 13.9.2024, directing the respondents to appoint the petitioner on compassionate grounds in the Andhra Pradesh Public Transport Department (APSRTC), and pass*…"

2. The case of the petitioner is that the petitioner submits that she is the only daughter of late Sri K. Subhan, who worked as an Assistant Depot Clerk at MPL-2 Depot and died due to COVID-19 on 09.05.2021. Her mother also passed away on 17.05.2021, leaving the petitioner, a divorcee with a minor child, without parental support. Petitioner, being a dependent family member of the deceased employee, applied for compassionate appointment and was shortlisted as an eligible candidate. After scrutiny of her documents, the authorities initiated the process for filling up the vacancies under the relevant circular. However, as her case was not considered, she filed W.P.No.276 of 2024 before this Court. By order dated 29.07.2024, this Court disposed of the writ petition, directing the respondent authorities to pass appropriate orders within six weeks, keeping in view the principles laid down in *Commissioner of Police and Others v. K. Padmaja*, reported in 2013 (4) ALT 501, and *Ch. Damayanthi v. APSRTC, Hyderabad and Others*, reported in 2021 (2) ALD

582 (AP). Inspite of the order of this Court, the respondents rejected the claim of the petitioner. Hence the Writ Petition.

3. Petitioner made an application dated 03.10.2023, to the respondent authorities, to consider her case for compassionate appointment. Pursuant to the said application of the petitioner, the District Public Transport Officer, Andhra Pradesh Public Transport Department (APSRTC) rejected the same through proceeding No.P1/876(1)/2024-DPTO/ANMA, dated 13.09.2024, by holding that

i) Petitioner is not eligible on the ground of being a married daughter,
ii) The cause of providing compassionate appointment does not survive in the event of death of her mother on 17.05.2021.

4. From the above, it is held that the case of the petitioner for compassionate appointment cannot be considered.

5. Learned counsel for the petitioner placed reliance on the Judgment of this Court dated 16.07.2026 in W.P.No.30130 of 2024, as well as the decision of Hon'ble Apex Court, wherein it was held that, the married daughter is also entitled for compassionate appointment, if she is dependent on the income of her parents though she was married. Relevant Portion of the Judgment is extracted hereunder:

> *26. In **Commissioner of Police, Hyderabad City and others vs. K. Padmaja**[1], the High Court of Andhra Pradesh while considering an identical issue that respondent- applicant in the said case was married daughter and she failed to produce any proof to show that she was staying with the deceased father at the time of his death and she was residing in a separate house along with her husband and was eking her livelihood by sewing the garments, and despite that, this Court held as under:*

[1] **2013(4) ALT 501 (D.B)**

"Even if the applicant is residing in a separate house that by itself, is not a ground to reject the claim of appointment. So far as the income of the applicant is concerned, it is proved that she is not having any independent income to live on her own and she is also taking care of the mother (widow of the deceased employee). No valid reasons are recorded by the authorities to reject the claim of the applicant for compassionate appointment."

27. *In* ***V.Shashi Kala vs. District Collector, Anantapuramu and others****[2]* ***,*** *the High Court of Andhra Pradesh held as extracted hereunder:*

"In the present case, undisputedly the petitioner is the elder daughter of the deceased and she along with her husband is staying at the place of the deceased even after her marriage. In the society, there are two types of families - one is wealthy and the other is poor. The wealthy people ask their daughters after marriage either to stay with them or to stay separately by making necessary arrangements. In the second category, the daughters continue to stay with their parents depending upon their income even after their marriage when they do not have source of income. The present case is of the second category."

28. In view of the foregoing reasons and in view of the decisions of Hon'ble Apex Court referred to above, this Court deems fit to allow of the present writ petition, while declaring the action of the respondents in not granting appointment to the petitioner on compassionate grounds in the cadre of sweeper in the establishment of 3rd respondent temple in the place of her father V.Jagadeesh, as illegal and arbitrary.

29. Accordingly, the Writ Petition is allowed. The respondents are directed to appoint the petitioner as sweeper or in any suitable post, from the date of death of her father i.e., w.e.f. 24.06.2013 with all service benefits only within a period of eight (08) weeks from the date of receipt of a copy of this order. However, the petitioner is not entitled to claim monetary benefit, as she was not appointed to the post on the principle of "NO WORK — NO PAY". No order as to costs.

6. In the instant case, *vide* proceedings dated 13.09.2024, 6th respondent specifically held that the petitioner is not eligible for compassionate appointment in terms of the clarification issued vide Memo No.40610/A.1/Admn.II/2004, Finance (Admin.II) Department, dated 20.03.2004, which stipulates that, upon marriage, a daughter ceases to be dependent on her parents, irrespective of whether she or her husband is

[2] **2019(3)ALD 338 (DB)**

employed. However, a married daughter may be considered dependent on her parents if she resides with them due to her husband deserting her, disappearing for years together, or dying, provided that the husband has left no property or income for her, and she is unemployed and solely dependent on the support provided by her parent.

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

8. In ***Kulsum Nisha v. State of UP***[3]***,*** 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

[3] 2026 SCC OnLine SC 1059

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 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.*
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> ***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.*
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> ***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 martial 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.*
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> *…*
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> ***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. The Hon'ble Apex Court in ***Sayara Khatoon @ Shayara Khatoon and Another Vs. State of Bihar and Others***[4], wherein it is held that

> ***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*

[4] **2026 SCC OnLine SC 1466**

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.

10. In view of the submissions made and the authoritative pronouncements of Hon'ble Apex Court, the impugned order is liable to be set aside. Accordingly, the proceedings No.P1/876(1)/2024-DPTO/ANMA, dated 13.9.2024 is hereby set aside. The respondents are hereby directed to consider the case of the petitioner for compassionate appointment within a period of two (02) months from the date of receipt of a copy of this order.

11. With the above directions, the Writ Petition is ***disposed of.*** There shall be no order as to costs.

Consequently, miscellaneous petitions if any, shall stand closed.

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JUSTICE BALAJI MEDAMALLI

Dated: 12.10.2026
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THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

Writ Petition No. 23075 of 2024

Date: 12.10.2026

M K K