



2026:AHC-LKO:29238-DB

A.F.R.

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL No. - 353 of 2025

Smt. Deepika Tiwari

.....Appellant(s)

Versus

State of U.P. Thru.its Prin. Secy.
Secondary Education Lko. and 3 others

.....Respondent(s)

Counsel for Appellant(s) : Sanjay Misra,
Counsel for Respondent(s) : C.S.C., Mudit Agarwal

Reserved on 27.01.2026

Delivered on 24.04.2026

Court No. - 1

**HON'BLE RAJAN ROY, J.
HON'BLE ABDHESH KUMAR CHAUDHARY, J.**

(Per; Hon'ble Abdhesh Kumar Chaudhary, J.)

1. The present Special Appeal has been preferred by the appellant under Chapter VIII, Rule 5 of the Allahabad High Court Rules, 1952 interdicting an order dated 18.09.2025, passed by the learned Single Judge of this Court in Writ-A No. 10799 of 2025 (*Smt. Deepika Tiwari versus State of U.P. and others*), whereby her claim for compassionate appointment in the capacity of a widowed daughter-in-law of the deceased government employee was dismissed.

2. Shorn of unnecessary details, admittedly one Smt. Sangeeta Bajpayee was working as an Assistant Teacher in Nari Shiksha Niketan Inter College, Chakbast Road, District Lucknow and she died in harness on 23.04.2021. The said Smt. Sangeeta Bajpayee was survived by two legal heirs namely (i) Uday Bhan Bajpayee – husband, who was a pensioner from U.P.P.C.L. and (ii) Nikhil Bajpayee - Son and unemployed.

3. After around two years, Nikhil Bajpayee, the son of the deceased government employee, filed an application staking his claim for appointment on compassionate ground vide his application dated 09.02.2023 and records reveal that the said application came to be rejected by the competent authority on 10th of April, 2023 on the ground that his father (husband of the deceased Sangeeta Bajpayee) was a pensioner in U.P.P.C.L.

4. In the interregnum, the son of the deceased Government employee, *i.e.* Nikhil Bajpayee married the appellant on 15th February 2023.

5. Unfortunately, Sri Nikhil Bajpayee left for his heavenly abode on 13th of May, 2023 and admittedly by that date he did not challenge his rejection to be appointed on compassionate ground and as such the said order of rejection has till date remained unchallenged.

6. Subsequently, the appellant vide an Application dated 04.06.2024 staked her claim for compassionate appointment in the capacity of being the 'widowed daughter-in-law' of Late Sangeeta Bajpayee, however, her stake was rejected by the competent authority, leading to filing of a Writ Petition No. 4738 of 2024 (say First Writ Petition). A Single bench of this Court vide an order dated 19.06.2024, disposed of the said petition by

directing the respondents to consider the representation of the appellant, which came to be rejected vide an order dated 10.10.2024 primarily on the ground that her father-in-law *i.e.* husband of the deceased government employee Late Sangeeta Bajpayee, was drawing pension from U.P.P.C.L.

7. Obviously, the appellant was not happy with the said rejection order and as such laid her challenge before this Court in Writ-A No. 10461 of 2024 (say second Writ Petition), wherein Single Judge of this Court, while quashing the said order of rejection directed the competent authority to consider the claim of the Appellant afresh, keeping in view the judgment of ***Kumari Farha Naseem V/s State Of U.P. And Others (Neutral Citation No. - 2024:AHC:154724)*** and ***Kr. Vanshika Nigam versus State Of U.P. And Others (SPECIAL APPEAL DEFECTIVE No. - 73 of 2016)*** of this Court, which held that claim for compassionate appointment may not be rejected merely because of one of the spouses is drawing pension and also held that the adequacy of the means and resources available and the issue of dependency have to be considered by the competent authority, while granting or rejecting the claim of compassionate appointment.

8. The Respondent No.3 (D.I.O.S.), in view of the aforesaid direction of this Court, reconsidered the application of the petitioner and as such issued an appointment order dated 23rd of May, 2025 followed by a correct version on 29th of May, 2025 wherein the Appellant/petitioner came to be appointed on the post of Assistant Teacher (Zoology) on the basis of a report by

the Regional Committee, apparently based on provisions of Regulations 103 to 107, issued under Section 16G of Chapter 3 of *U.P. Intermediate Education Act, 1921*.

9. Some directions were also issued by the Respondent No. 3 to Respondent No. 4 (the Institution) for allowing the Appellant/petitioner to join on the post of Assistant Teacher, after verifying the original documents. However, it seems the Institution raised objections dated 16.06.2025 to her appointment, as according to them, the Appellant was not the dependent of the Government employee- Smt. Sangeeta Bajpayee, leading to cancellation of her appointment by the D.I.O.S. (Respondent No.3) vide his letter dated 21.08.2025.

10. It is this cancellation, which led to filing of Writ Petition No. 10799/2025 (Third Writ Petition), wherein the learned Single Judge, while dismissing the plea of the Appellant held vide the impugned order dated 18.09.2025 that the death of the Government employee, Late Sangeeta Bajpayee having occurred prior to even the appellant having been married with her son would take away the Appellant from the ambit of 'member of family' as defined in Regulation 103 of the Regulations on the date of such death.

11. It is this order, which has been impugned in the present Special Appeal.

12. Heard Shri Sanjay Misra, learned counsel for the appellant and Ms. Isha Mittal, learned Additional Chief Standing Counsel for the State, as well as Shri Mudit Agarwal counsel for the respondent No.4- Institution.

13. It has been submitted that the appellant having been married after the death of her Late mother-in-law is wholly irrelevant and the findings are contrary to the

amended Regulation Number 103, which expressly includes 'widow daughter-in-law' within the ambit of dependence, eligible for compassionate appointment. The learned Counsel in order to buttress his argument has relied on the full bench judgment of this Court in the case of ***U.P Power Corporation Urban Electricity Transmission Division-II, Allahabad Vs Urmila Devi; reported in 2011 (3) ADJ 432;*** to submit that a widowed daughter-in-law has been casted into the definition of family, so as to make her entitle for compassionate ground. It is vehemently argued by the learned Counsel that Regulations 103 explicitly includes 'widow daughter-in-law' without qualification of date of marriage and keeping in view the humanitarian object of compassionate appointment the present Appeal may be allowed.

14. It has been further submitted that a liberal interpretation has to be given to the word 'widow daughter-in-law' so as to protect the dependent widows from destitution. It is the submission of the learned Counsel that the learned Single Judge by adopting a hyper-technical approach has frustrated the legislative intent of Regulations 103, without taking a humanitarian approach and failed to understand that in fact, the appellant had stepped into the shoes of her husband, who was very much eligible to be appointed on compassionate ground. In order to highlight his argument that a liberal interpretation ought to be given to the word "family", he has referred to a judgment of coordinate Division bench of this Court in the case of ***Vibha Tiwari V/s State of U.P & Others; (Neutral Citation: 2024:AHC:49953-DB)*** to submit that a liberal approach

has to be taken by this Court in cases for compassionate appointment as in this case, although the definition of "family" did not specifically contain "daughter-in-law", however this Court considered the case of a daughter-in-law, for giving her appointment on compassionate appointment, keeping in view the circumstances of that case that the son was under some disability. Thus, it has been submitted that since the appellant is well qualified and having no source of income, the denial of her appointment amounts to overlooking the Constitutional mandate of a welfare State.

15. *Per contra*, the learned Additional Chief Standing Counsel, Ms. Isha Mittal has supported the impugned judgment and submitted that the learned Single Judge has painstakingly given a detailed judgment after discussing the relevant Regulations and the impugned order is a well reasoned and plausible order and does not requires any interference in this *intra-court* Appeal. She has relied on the judgment of Hon'ble Apex Court passed in ***Umesh Kumar Nagpal v. State of Haryana*** reported in ***1994 (4) SCC 138***; to explain the object and purpose behind any appointment made under compassionate grounds. According to her, none of the grounds exists for granting any relief to the Appellant. It has been also submitted by her that the family of Late Sangeeta Bajpayee did not face any immediate financial crisis and had been sustaining itself even after her demise from the pensions drawn by the husband from his erstwhile employer - U.P.P.C.L. As far as the appellant was concerned it has been argued that she was not even a member of the family of the deceased at the time of her death and therefore, was not covered under the definition

of "family" under the Rules and therefore, was not entitled to the benefit of to be appointed on compassionate grounds. According to the learned Counsel, the present Appeal as being devoid of any merits may be dismissed.

16. Mr. Mudit Aggarwal, learned Counsel for the Nari Shiksha Niketan Inter College, has submitted that the Appellant is not covered under the definition of "family" as defined under Rule 2 (c) of The Uttar Pradesh Recruitment of Dependents of Government Servants Dying in Harness Rules, 1974, and therefore, was not entitled for seeking appointment as family member in place of Late Smt. Sangeeta Bajpayee. According to him, the Legal Heir Certificate which was issued by the District Magistrate, Lucknow on 23.06.2021, listed only two Legal Heir namely, the husband and son of the deceased. According to him, it is on the basis of the said Legal Heir Certificate, that Nikhil Bajpayee, the son of the deceased government employee, claimed for his appointment on compassionate ground. It has been further submitted that the order of rejection dated 10.04.2023 was never challenged by Mr. Nikhil Bajpayee or even by the petitioner till date and for all intents and purposes the order dated 10.04.2023 decided the issue of compassionate appointment of legal heir of Late Sangeeta Bajpayee has attained finality. According to the learned Counsel, the orders passed by the learned Single Bench of this Court in the earlier two writ petitions were merely for deciding the representation and were innocuous in nature, as it did not adjudicate any rights of the appellant.

17. This Court has given an anxious thought to the various rival submission of the parties and this Court is of the view that the primary question, which falls for consideration in this *intra-court* Appeal would be :-

"Whether the date of being widow is a relevant factor to include a 'widowed daughter-in-law' within the definition of "family", so as to make her eligible to claim appointment in compassionate ground under the Regulations?"

18. Before this Court embarks on a journey to determine the aforesaid issue, it would be pertinent to first enumerate the relevant Regulations relating to compassionate appointment as is founded in Regulations 103 to 107, issued under Section 16G of Chapter-III of *U.P Intermediate Education Act, 1921*. Since, these regulations have been already translated and extracted by the learned Single Judge in the impugned order, it would be advantageous to borrow and quote the same as herein below:

103- *In case an employee, whether a teaching or non-teaching staff member, of a recognized aided institution (including a minority institution), who has been duly appointed following the prescribed procedure, dies in harness and the husband or wife (as the case may be) of the deceased employee is not already employed under the Central Government or a State Government or a Corporation owned or controlled by the Central Government or a State Government then one member of his/her family who is not already employed under the Central Government or a State Government or a Corporation owned or controlled by the Central Government or a State Government and who is not below 18 years of age, may be appointed either as a teacher in the Trained Graduate category or on a non-teaching post, if such person:-*

(One) fulfills the educational or training qualifications prescribed for the post,

Provided further that if appointment is made to such a post for which Computer Operation and Typing has been prescribed as a mandatory qualification and the dependent of the deceased employee does not possess the requisite proficiency in Computer Operation and Typing then he shall be appointed to the post subject to the condition that within one year he shall obtain the "CCC" Certificate in Computer Operation awarded by DOEACC Society or any other certificate recognized by the Government equivalent thereto and also attain the required speed of 25 words per minute in Hindi typing and 30 words per minute in English typing, and if he fails to do so, his general annual increment shall be withheld and an additional period of one year shall be granted to acquire the requisite certificate in Computer Operation and the required typing speed, and if, even within the extended period, he fails to acquire the required certificate in Computer Operation and required typing speed, his services shall be terminated.

(Two) is otherwise qualified for government service.

Explanation:- For the purposes of this Regulation, the term (c) "members of the family" of the deceased Government servant shall include the following relatives:-

- (i) Wife or husband;
- (ii) Son or adopted son;
- (iii) Daughters, (including adopted daughter) and widow daughter-in-law;
- (iv) deceased Government servant's dependent unmarried brother, unmarried sister and widow mother, if the deceased Government servant was unmarried
- (v) the aforementioned relatives of a missing Government servant who has been declared dead by a competent court.

"Provided that if no person from among the aforementioned relatives of the deceased Government servant is available or if such a person is found to be physically or mentally unsuitable and thus be ineligible for appointment under Government service, then, only in such a case, the term "family" shall also include the dependent grandsons and

unmarried granddaughters of the deceased Government servant."

104. *Within seven days of the occurrence of death, the Management or the Principal or the Headmaster, as the case may be, of the recognized aided institution shall submit a report to the Inspector which shall include the name of the deceased employee, the post held, the pay scale, the date of appointment, the date of death, the name of the appointing institution and the names of the members of his/her family along with their educational qualification, age etc. The Inspector shall record the particulars of the deceased employee in a register maintained by him.*

105. *A member of the family of the deceased employee, as specified in Regulation 104, shall submit an application to the concerned Inspector for appointment according to the qualification, either to the post of Assistant Teacher or to a post in non-teaching cadre. The Committee shall consider the application and after the Committee recommends his appointment, the application shall be forwarded to the Management or the Principal or Headmaster, as the case may be, of the institution where the applicant is to be appointed in accordance with the provisions of Regulation 106, for issuance of the appointment order. The committee shall include the following:-*

- 1-** *District Inspector of Schools - **Chairman***
- 2-** *Finance and Accounts officer, (Secondary Education) - **Member***
- 3-** *Senior-most Principal, Government Inter College/ Government Girl's Inter College - **Member***

Provided that where the dependent of the deceased employee applies for appointment after the expiry of five years from the date of death and the State Government is satisfied that an undue hardship arises in a particular case due to prescribed time limit for making an application for employment, it may exempt or relax such requirements as it

deems necessary to proceed in that case in a just and equitable manner:

Provided further that for the purpose of aforementioned proviso, the concerned person shall explain the reasons and furnish adequate justification in writing for the delay in applying for appointment after expiry of the prescribed time limit, along with necessary documents/evidence in support of such delay and the Government shall take appropriate decision after considering all facts related to the reasons of delay.

106. *The appointment of a family member of the deceased employee shall, so far as possible, be made in the same institution where the deceased employee was serving at the time of his death. If there be no vacancy of Assistant Teacher or in non-teaching cadre in such institution then he shall be appointed in any other recognized aided institution of the district where such vacancy is available.*

Provided that if no such vacancy exists in any recognized aided institution of the concerned district at that time then the case shall be referred to the Divisional Committee by the District Committee and the dependent of the deceased employee shall be appointed against a vacancy available in the Division.

Provided further that if no post be vacant at the Division level or if the dependent of the deceased employee seeks appointment in another Division then the case shall be referred to the Directorate, where it shall be considered by a Committee constituted at the Directorate level consisting the following:-

- 1- Additional Director of Education (Secondary) – Chairman*
- 2- Joint Director of Education (Finance) – Member*
- 3- Deputy Director of Education (Secondary-2/ Secondary-3) – Member*

In the event of concurrence, following consideration by the Committee constituted at the Directorate level, the concerned District Committee

shall be authorized to make appointment against the vacancy reported from the districts.

107. *The recognized aided institution, to which the application has been forwarded by the Inspector for issuance of the appointment order, shall issue the appointment letter within one month from the date of receipt of application and inform the Inspector. If the appointment letter is not issued by the inspector within the prescribed period without reasonable grounds, the Director of Education shall take appropriate action against the Inspector on receipt of representation."*

19. A facial reading of the aforesaid Regulation 103, leaves no doubt in mind that the term "widowed daughter-in-law" as being included in the definition of members of family, is eligible *per se* for compassionate appointment as a teacher in the trained graduate category or on a non-teaching post, in the case of a deceased government employee, who died in harness. However, the issue engaging the attention of this Court in the present Appeal and as also framed herein above is not to determine the eligibility of a 'widowed daughter-in-law' for compassionate appointment, but to examine as to whether there is any relevancy of the date of becoming a widow of the said daughter-in-law and its effect.

20. The aforesaid issue gains prominence in the light of the fact that the phrase "daughter-in-law" is conspicuously absent from the definition of 'member of family' juxtaposed with the phrase "widowed daughter-in-law", which has been very well mentioned and made eligible. Thus, in a way the legislature in its wisdom did not find a "daughter-in-law" to be eligible for compassionate appointment, however, in contrast found a

widowed daughter-in-law to be eligible, for a simple reason that in common parlance the wife (read daughter-in-law) is dependent on her husband (read son) for maintenance etc. and therefore, there was no requirement of naming the daughter-in-law also in the definition of "member of family". Apparently, since son (read husband) has been made eligible as a "member of family" under the regulations, who can apply for compassionate appointment, it has purposely left out the daughter-in-law (read wife), however, the regulations contemplating an eventuality that, in case the son (read husband) has predeceased the government servant, who died in harness, has specifically mentioned the widow daughter-in-law (read wife of the deceased son) as a "member of the family", so as to make her eligible for compassionate appointment. This analogy not only seems to be more logical and bonafide but also is *in tandem* with the ambitious humanitarian object behind any compassionate appointment under the Regulations.

21. According to this Court, when the son (read husband) is alive of a government employee, who died in harness, it is the son only and not the daughter-in-law, who is eligible to seek compassionate appointment. However, only in case the son predeceased the government servant, who died in harness, a widowed daughter-in-law, in absence of her husband would be eligible for compassionate employment. Further the phrase "daughter-in-law" is a status condition precedent of the phrase "widowed daughter-in-law", in as much as to put it plainly, in order to gain the status of a 'widowed daughter-in-law', the said person has to first be a 'daughter-in-law'.

22. There is another aspect of the matter, in as much as Regulations 104 in clear terms entails that within seven days of the occurrence of the death of the government employee, the institution concerned, ought to submit a report to the Inspector. As to what should the report contains, the said Regulations in no uncertain terms says that it should also include the names of members of his/her family along with their education, age, etc. Admittedly, since the Appellant (as she was not a 'widowed daughter-in-law') did not existed even remotely within the said stipulated time of seven days from the death of Sangeeta Bajpayee on 23.04.2021, there was no question of her name being included in the names of members of family of the deceased government servant. Further, this Court finds that the said Regulation has a purpose, because the concerned authority were required to take a call as to who are the dependent and most importantly to see their age and education, so that commensurate employment can be provided to the dependent, in order to tide over the sudden financial crisis and provide some kind of solace to the family member, at least economically, if not emotionally at this trying time. The exposition of law is required to be understood from the perspective that compassionate appointment is not a vested right but an act of grace, intended to provide a succour and alleviate the financial hardship of the family of the deceased government servant immediately after his/her death. Appointment on compassionate ground is a welfare measure and not a mode of employment, so as to create a vested right, as is wrongly tried to be contended by the learned Counsel for the Appellant.

23. It must be understood that the object underlying the provision for grant of compassionate employment is to enable the family of the deceased employee to tide over the sudden crisis, resulting due to death of the bread earner who has left the family in poverty and without any means of livelihood, although technically and normally this employment on the ground of sympathy is unconstitutional and hit by Article 14 and 16 of the Constitution of India. However, time and again the Hon'ble Supreme Court has observed that behind this kind of compassionate appointment, the object is not to give appointment but to extend the financial support. It is settled that the underlying idea is to make sure that in cases of distress of a family of a deceased employee, immediate support is provided to mitigate hardship. The said object and scope has been very well articulated by a decision of three Judge bench of the Hon'ble Supreme Court in the case of ***Director Of Education (Secondary) & Anr vs Pushendra Kumar & Others;*** reported in ***1998 (5) SCC 192;*** wherein interestingly, the Hon'ble Apex Court was considering an issue relating to appointment on compassionate grounds of dependents of teaching/non-teaching staff employed in non-Government recognized aided schools and intermediate colleges in the State of Uttar Pradesh who have died in harness under the aforesaid Regulations, which is subject matter of the present *intra-court* Appeal. The Apex Court observed as follows:

".....The object underlying a provision for grant of compassionate employment is to enable the family of the deceased employee to tide over the sudden crisis resulting due to death of the bread earner which has left the family in penury and without any

means of livelihood. Out of pure humanitarian consideration and having regard to the fact that unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is made for giving gainful appointment to one of the dependents of the deceased who may be eligible for such appointment. Such a provision makes a departure from the general provisions providing for appointment on the post by following a particular procedure. Since such a provision enables appointment being made without following the said procedure, it is in the nature of an exception to the general provisions. An exception cannot subsume the main provision to which it is an exception and thereby nullify the main provision by taking away completely the right conferred by the main provision. Care has, therefore, to be taken that a provision for grant of compassionate employment, which is in the nature of an exception to the general provisions, does not unduly interfere with the right of other persons who are eligible for appointment of seek employment against the post which would have been available to them, but for the provision enabling appointment being made on compassionate grounds of the dependent of a deceased employee. In Umesh Kumar Nagpal v. State of Haryana, 1994 (4) SCC 138, this Court has taken note of the object underlying the rules providing for appointment on compassionate grounds and has held that the Government or the public authority concerned has to examine the financial condition of the family of the deceased and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family...”

24. Given the aforesaid object and the Regulations applicable in the present case, admittedly, the Appellant was not a member of the family, nor was a person who was dependent on the deceased government employee, who died in harness, on the date of her death *i.e.* 23.04.2021. As a matter of fact, she was not even born

in the family unit and came to be transplanted only on her marriage to the son of the deceased government servant, only subsequently on 15.02.2023. Thus, technically while the government servant was alive and on the date of her death, the appellant was not even her daughter-in-law and therefore, no question arises of her being the 'widowed daughter-in-law', so as to claim compassionate appointment on the death of her mother-in-law.

25. *Thus, this Court has no hesitation in holding that the date of being widow is a relevant factor to include a 'widowed daughter-in-law' within the definition of "family", so as to make her eligible to claim appointment on compassionate ground under the Regulations.*

26. As far as the present case is concerned, it is available from records that the government's servant (Late Smt. Sangeeta Bajpayee) died in harness on 23.04.2021 and the Legal Heir Certificate dated 23.06.2021, issued by the District Magistrate enlisted merely two legal heirs of Late Sangeeta Bajpayee, namely (i) Shri Udai Bhan Bajpayee- Husband and (ii) Shri Nikhil Bajpayee -Son. The Appellant came to be introduced in the family only after 22 months on 15.02.2023, by her marriage to Shri Nikhil Bajpayee, the son of Late Sangeeta Bajpayee. Thus, on the date of the death of Late Smt. Sangeeta Bajpayee, the Appellant was admittedly not even her "daughter-in-law".

27. As aforesaid, the Appellant gained the status of 'daughter-in-law' only on 15.02.2023 and even then she did not gain any entry into the definition of "member of family" as contemplated in Regulation 103 and it is for

this very reason that it was Mr. Nikhil Bajpayee, the son of Late Smt. Sangeeta Bajpayee applied for compassionate Appointment, which came to be rejected on 10.04.2023.

28. Record reveals that Mr. Nikhil Bajpayee left for his heavenly abode on 13.05.2023 and it was on his dying that the Appellant gained the status of 'widowed daughter-in-law' and thus, found her entry into the definition of "member of family".

29. Thus, the Appellant acquired the status of a "widowed daughter-in-law" only on 13.05.2023 on the basis of at least two subsequent events (*i.e.* the marriage and then, the death of Mr. Nikhi Bajpayee) and was not in existence as on the death of Late Sangeeta Bajpayee on 23.04.2021.

30. The term "member of family" found in explanation to Regulations 103 has to be necessarily interpreted to mean those members, who existed as a dependent at the time of the death of the government servant, who dies in harness, for in the view of this Court these members together constitute a composite family unit, bound by mutual dependency and shared vulnerability and the sole purpose for granting compassionate appointment to eligible family member is to provide a succor to this family unit, who are brought into a vulnerable situation by the sudden death of the government employee. It must be understood that this appointment is not conferred to the concerned member of the family unit because of her personal entitlement earned through merit or competitive examination or for that matter of acquiring some status subsequently in the family as is being sought

to be done in the present case, but as a necessary concomitant to the sudden death of the person on whom the entire family including the person seeking employment on compassionate ground dependent.

31. Since, the Appellant was not even a member of the family unit, there is no question of her being dependent on Late Sangeeta Bajpayee at the time of her death.

32. Further, Regulation 105 entails that the dependent of the deceased government servant has to make an application to the concerned Inspector seeking appointment as per his/her qualification, which had to be considered in accordance with the provisions of Regulation 106 by the Committee. In the present case, the appellant could not have applied as per the said Regulation, as she never existed in the family at that point of time, nor was she a dependent nor was she a daughter-in-law, what to talk of a widowed daughter-in-law. According to this Court, it was only the son of the deceased government employee, who was eligible to seek appointment on compassionate ground, which as per the records had applied, but the same came to be rejected on 10.04.2023 and admittedly, no challenge had been made of the said rejection either by the son of the deceased, who passed away on 13.05.2023 or the present Appellant and as such as has been rightly pointed by the learned Counsel for the Respondent-State that the issue relating to compassionate appointment for dying in harness of Late Smt. Sangeeta Bajpayee stands closed vide the rejection order dated 10.04.2023 and has attained finality. Thus, this Court is unable to countenance as to when the husband of the appellant was found to be not entitled for appointment on compassionate ground, how

can the wife (Appellant) be held to be eligible for the same, keeping in view that the claim of being the widowed daughter-in-law flows from the son of the deceased only.

33. This Court finds that the appellant has no right to claim any employment as a 'widowed daughter-in-law' because for her not being even a 'daughter-in-law' at the time of dying in harness of the deceased government servant, nor she could claim any right due to happening of a subsequent event of she being a 'widowed daughter-in-law', as she does not fall into the definition of "member of family" as contemplated under Regulations 103. Time and again the Courts have held that compassionate appointment has to be made as per the Rules. In the absence of any specific Rules of claiming as a dependent and a "member of family" on the basis of some subsequent event, this Court is unable to subscribe to the views and claim of the Appellant for compassionate appointment.

34. Moreover, it has to be also understood that the Hon'ble Supreme Court in the case of ***Union of India v. B. Kishore***; reported in ***(2011) 13 SCC 131***; reiterated that indigence of the dependents of the deceased employee is the fundamental condition to be satisfied under any scheme for appointment on compassionate ground and that if such indigence is not proved, grant of relief in furtherance of protective discrimination would result in a sort of reservation for the dependents of the employee dying-in-harness, thereby directly conflicting with the ideal of equality guaranteed under Articles 14 and 16 of the Constitution of India. In the present case, admittedly the Government Servant died in harness on

23.04.2021 and the Appellant came to be married to her son on 15.02.2023, thus, this Court finds sufficient force in the argument advanced by the learned Counsel for the institution that the very fact that the marriage was solemnized after two years of the death of the government servant, sufficiently indicates that there was no immediate financial crunch or crisis in the family as the dependent-son Mr. Nikhil Bajpayee not only sustained himself ably after the demise of her mother but also entered into a marriage, which in itself entails significant expenditure. Thus, even the ground of indigence of the dependents of the deceased government employee seems to be eluding and not available to the Appellant in the present facts and circumstances.

35. This Court does not find any viable ground to interfere in the matter as the view taken by the learned Single Judge seems to be a plausible and reasonable view, as it does not suffer from any perversity. The learned Single Judge has not missed the woods for the tree in deciding the right of the Appellant, while taking a detailed analysis of the relevant Regulations applicable for compassionate appointment. Recently, the Hon'ble Supreme Court in the case of ***Bihar Industrial Area Development Authority & Ors. V/s M/s SCOPE Sales Pvt. Ltd. & Anr.***; reported as **2026 INSC 89**; vide judgment and order dated 23.01.2026 has held as follows:

"13. *We must also bear in mind the nature and extent of jurisdiction that an intra-court appellate Bench of a high court exercise. Such appellate jurisdiction is conferred either under the Letters Patent or by the relevant statutory provisions. It is pertinent to note that both - Single Bench and Division Bench - exercise the same jurisdiction under Article 226 of the Constitution.*

In our view, the exercise of intra-court appellate jurisdiction is warranted only where the judgment or order under challenge is demonstrably erroneous or suffers from perversity. Such jurisdiction ought not to be invoked merely because another view is possible on the same set of facts, particularly where the view adopted by the Single Judge is a plausible and reasonable one. In other words, an intra-court appellate Bench ought not to substitute its own view, merely because such Bench considers its view to be better than the one taken by the Single Bench; so long as the view taken by the Single Bench is a plausible one, interference should stay at a distance.”

36. For all the aforesaid reasons, the impugned judgment dated 18th of September, 2025 of the learned Single Judge is upheld and consequently, **the Appeal is dismissed.**

37. There shall be no order(s) as to cost.

(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)

April 24, 2026
Anuj Singh/Praveen