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2026:CGHC:30381

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3503 of 2020

Afifa Khan @ Devangi Choudhary, Aged about 34 years, W/o Mo. Hassan Ullah Khan, R/o Near Samudayik Bhawan, H.No.1102/36, Byronbazar, Raipur, District Raipur, Chhattisgarh

... Petitioner

versus

Chairman & Managing Director, Head Office at Bank of Maharashtra, Pune (Maharashtra)

... Respondent

For Petitioner : Mr. Navin Shukla, Advocate.

For Respondent : Mr. Aniruddha Shrivastava, Advocate.

Single Bench:-
Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

16/07/2026

1. This petition is filed by the petitioner under Article 226 of the Constitution of India calling in question legality, validity and correctness of the order dated 27-10-2026 (Annexure P-1) passed by the respondent by which the application for compassionate appointment in place of her father has been rejected by the respondent Bank.



2. The petitioner's father namely Dewashish Choudhary was Deputy Manager in the Bank of Maharashtra, Raipur Zone, Raipur. He died in harness. The petitioner being the married daughter of the deceased Bank employee, applied for appointment in his place which was rejected on the ground that she is married and as such, she is dependent upon her husband, therefore, she is not considered for appointment in place of her father against which this petition has been filed.
3. Return has been filed stating inter alia that the petitioner is not dependent upon her father and the policy for appointment on compassionate ground has not been questioned and therefore the petitioner is not entitled for compassionate appointment in place of her father.
4. Mr. Navin Shukla, learned counsel appearing on behalf of the petitioner herein, would submit that the respondent Bank is absolutely unjustified in rejecting the application of the petitioner for compassionate appointment in place of her father and merely because the petitioner is married daughter, she cannot be held ineligible to apply for compassionate appointment holding that only unmarried daughter is entitled to be considered for compassionate appointment which violates the mandate of Articles 14, 15 and 16(2) of the Constitution of India. He would rely upon the decision of the Supreme Court in the matter of **Kulsum Nisha v. State of U.P. and others**¹ to support his submission.

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5. Mr. Aniruddha Shrivastava, learned counsel appearing on behalf of the respondent Bank, would oppose the writ petition and support the impugned order relying upon the decision of the Supreme Court in the matter of **State of Maharashtra and another v. Madhuri Maruti Vidhate (Since After Marriage Smt. Madhuri Santosh Koli)**² to buttress his submission.
6. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also gone through the record with utmost circumspection.
7. Admittedly, the petitioner's father, who was working as Deputy Manager in the Bank of Maharashtra, Raipur Zone, Raipur, died in harness leaving behind his sole married daughter and the petitioner's application for compassionate appointment in place of her father stood rejected on the ground that she is married and she is considered to be dependent upon her husband and she is not the family member of her father. In this regard, clause 3 – Dependent Family Member, of the policy of the respondent Bank of Maharashtra for appointment on compassionate grounds filed as Annexure R-1 may be noticed herein, which states as under: -

“3. **DEPENDENT FAMILY MEMBER**

Dependent family members eligible for appointment on compassionate grounds shall be;

(a) Spouse; or

(b) Wholly dependent son(including legally adopted son);
or



(c) Wholly dependent daughter (including legally adopted daughter); or

(d) Wholly dependent brother or sister in the case of unmarried employee”

8. A careful perusal of the aforesaid clause would show that the dependent daughter is included in the definition of Dependent Family Member and there is no express exclusion of the married daughter. The petitioner in her application filed as Annexure P-2 has clearly stated that she is dependent upon her father due to personal economic reasons and presently, she is helping her mother. There is no evidence on record that the petitioner was not dependent on her father and the respondent Bank has assumed that since she is married, she is only dependent upon her husband.
9. In this regard, the recent decision of the Supreme Court in **Kulsum Nisha** (supra) may be noticed herein appropriately, which states as under: -

“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.

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 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.

21. The submission of the State that a married daughter may not satisfy the requirement of local residence is equally untenable. Residence constitutes an independent eligibility criterion under Paragraph IV(5) of the G.O. Whether an applicant satisfies that requirement must be determined on the facts of each case. A blanket exclusion of all married daughters cannot be justified on the speculative assumption that every married daughter necessarily resides elsewhere. Constitutional adjudication cannot be founded on presumptions that are overbroad and disconnected from lived realities.

22. The purpose of the dependent quota is neither to create a right of succession or inheritance in the dealership nor a reward for lineage. The object is limited and specific: to provide immediate financial relief to the dependent family of a deceased dealer and to ensure continuity in the public distribution system. Once dependency is accepted as the governing criterion, exclusion of a married daughter solely on account of her marital status becomes wholly irrational and self-defeating.

23. We are, therefore, of the considered view that the exclusion of married daughters from the definition of “family” fails the test of reasonable classification and is manifestly arbitrary. The distinction created by Paragraph IV(10) of the G.O. lacks any intelligible differentia having a rational nexus with the object of the scheme. The exclusion is founded solely



upon marital status and gender stereotypes and consequently, violates Articles 14 and 15(1) of the Constitution of India.”

10. Following the principle of law laid down by their Lordships of the Supreme Court in **Kulsum Nisha** (supra) and reverting to the facts and circumstances of the present case, it is quite vivid that the policy does not exclude expressly the married daughter, however, by the impugned order, the petitioner herein has been excluded stating that she is not dependent upon her father, whereas, the pleading available on record would show that she was dependent upon her father i.e. the deceased Bank employee. Even otherwise, married daughter cannot be excluded only on the ground that she is married daughter which is manifestly arbitrary and contrary to law laid down in **Kulsum Nisha** (supra).
11. For the foregoing reasons, the order impugned dated 27-10-2026 (Annexure P-1) is quashed and the respondent shall consider the case of the petitioner for compassionate appointment in place of her father and take decision afresh in light of the decision of the Supreme Court in **Kulsum Nisha** (supra) within 30 days from the date of receipt of a copy of this order.
12. The writ petition is allowed to the extent indicated herein-above, however, there shall be no order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge