



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. _____ OF 2025
(@ SPECIAL LEAVE PETITION (C) No. 26798 of 2025)

MANAGING DIRECTOR, M.P. STATE AGRICULTURAL
MARKETING BOARD AND ORS. ...APPELLANT (S)

VERSUS

HARPAL SINGH AND ORS. ...RESPONDENT (S)

O R D E R

Leave granted.

2. The present Civil Appeal has been preferred by the Managing Director, M.P. State Agricultural Marketing Board and Ors. (hereinafter referred to as “the appellants”), being aggrieved by the judgment and order dated 7th April 2025 passed by the High Court of Madhya Pradesh at Gwalior in Writ Appeal No. 894 of 2025.

3. By the impugned judgment, the order dated 24th January 2025 passed by a Single Bench of the High Court

in Writ Petition No. 36707 of 2024 was upheld whereby the Single Bench had directed the competent authorities to sympathetically consider the compassionate appointment of Harpal Singh, the Respondent no. 1, to a lower post (Class-IV) subject to his willingness to serve in such post.

4. A reference to the facts in brief will facilitate appreciating the issue involved. The issue pertains to the claim of the Respondent no. 1 for appointment on compassionate ground. The Respondent no. 1 is the son of Late Shri Ramjilal Kushwah, who died in harness on 28th February 2019, while serving as a Peon in the Krishi Upaj Mandi Samiti, Alampur, District Bhind, Madhya Pradesh.

5. Thereafter, in accordance with the policy governing compassionate appointment, issued by the General Administration Department, Government of Madhya Pradesh, vide Memorandum No. C-3-12/2013/1/3 dated 29th September 2014, the Respondent no. 1 was sanctioned appointment on compassionate ground to a Class-III post, namely Assistant Grade-III, in the Krishi Upaj Mandi Samiti, Morena, as per sanction order issued by the Additional Director (Personnel), M.P. State Agricultural Marketing

Board, on 26th August 2020, which was followed by the appointment order dated 11th September 2020 issued by the Secretary, Krishi Upaj Mandi Samiti, Morena.

6. However, it merits emphasis that as per Clause 6.5 of the above-mentioned Government Memorandum dated 29th September 2014, an appointment to the post of Assistant Grade-III was conditional, as the concerned candidate had to clear the Computer Proficiency Certification Test (CPCT) within three years of joining service. The afore-mentioned Clause 6.5 is reproduced hereunder:

*“6.5 For the grant of compassionate appointment to the dependant of Government Servant on the post of **Assistant Grade-3, 3 years time will be given for passing Computer Diploma and Computer Typing Certificate Exam from the recognized institute.** In case of not passing the required exams within the prescribed period of 3 years, in view of the attempts of passing exams by the concerned employee and the typing eligibility as acquired by him, **period of 1 year may be further extended by the Appointing Authority.** In case of not passing the required exams by the concerned employee even after the expiry of this period, his services could be terminated.”*

7. In consonance with the above Clause, the appointment order of the Respondent no. 1, dated 11th September 2020, expressly stipulated that he is required to acquire the requisite computer qualifications within a period

of three years. This caveat was incorporated in Conditions No. 15 and 16 of the appointment order, which lie at the heart of the present litigation and are reproduced hereunder:

*“15. It shall be mandatory to pass CPCT Examination **within a period of 3 years from the institution recognized from the Government.** The service will be terminated in case of not passing mentioned examination within the prescribed time period.*

16. It shall be mandatory to pass Computer Examination within 3 years from an institution among following recognized institutions along with passing Computer Typing Proficiency Certificate Examination from a recognized institution. The service will be terminated in case of not passing mentioned examination within the prescribed time period.

(i) Diploma from any University recognized by U.G.C.

(ii) Diploma from any Open University recognized by U.G.C.

(iii) Diploma Level Examination from D.O.E.A.C.C.

(iv) Modern Office Management Course from Government Polytechnic College.

(v) One Year ‘Computer Operator and Programming Assistant’ (COPA) Certificate from Government I.T.I.”

8. The dispute arose when notwithstanding the expiry of the stipulated three-year period under Condition No. 15, and in spite of grant of an additional one-year extension from 15th September 2023 to 14th September 2024, the Respondent no. 1 failed to obtain and submit the requisite CPCT scorecard, culminating in the termination of his services vide order dated 30th September 2024 issued by the appointing authority.

9. Aggrieved thereby, the Respondent no. 1 filed a Writ Petition, being No. 36707 of 2024, before the High Court seeking quashing and setting aside of his termination order and restoration of his service in the department. The Single Bench of the High Court while refraining from setting aside the termination order and emphasising the underlying welfare purpose of compassionate appointment, directed the competent authorities to sympathetically consider the case of the Respondent no. 1 for appointment to a lower post (Class-IV) in which CPCT qualification is not mandatory, subject to expressing his willingness to serve in such post. It is this direction, affirmed by the Division Bench of the High Court, that forms the subject matter of challenge in the present appeal.

10. Before embarking upon the merits of the case, it is apposite at this juncture to highlight the underlying principles of compassionate appointments, as this Court cannot remain oblivious to the human realities that animate disputes of this nature. It is a harsh reality that the sudden loss of a breadwinner does not merely extinguish a life; it often disrupts the economic stability of the entire household.

11. In families where a deceased stood as the only source of sustenance, death carries with it not only emotional devastation but the looming threat of deprivation, insecurity and social marginalisation. A welfare State, committed to the Constitutional ideals of justice with the mandate of reducing inequality, promoting social justice and ensuring a basic standard of living for all, cannot afford to allow such bereaved families to slide into destitution by the mechanical operation of procedural formalities. Significantly, a responsibility has been cast upon the State under the provisions of Part IV of the Constitution of India, i.e., Article 39 of the Directive Principles of State Policy to serve such a welfare State. Thus, the policy of compassionate appointment is not a concession, largesse or mercy shown to hapless dependents of a deceased employee, but a structured response of the State to ensure that the death of an employee does not mark the beginning of economic calamity for those left behind. It is from this vantage point that the competing claims in the present appeal must be examined.

12. This Court has in numerous occasions elucidated the underlying humanitarian purpose of compassionate appointment. The principle was articulated lucidly in *Haryana State Electricity Board v. Hakim Singh*¹, wherein this Court observed as follows:

*“8. The rule of appointments to public service is that they should be on merits and through open invitation. It is the normal route through which one can get into a public employment. However, as every rule can have exceptions, there are a few exceptions to the said rule also which have been evolved to meet certain contingencies. As per one such exception relief is provided to the bereaved family of a deceased employee by accommodating one of his dependants in a vacancy. **The object is to give succour to the family which has been suddenly plunged into penury due to the untimely death of its sole breadwinner.** This Court has observed time and again that the object of providing such ameliorating relief should not be taken as opening an alternative mode of recruitment to public employment.”*

13. In light of the foregoing discussion, we are of the considered opinion that both the Single and Division Bench of the High Court rightly directed the competent authority to consider the case of Respondent no. 1 for compassionate appointment to a lower post (Class IV), which does not require CPCT qualification. The undertaking furnished by Respondent no. 1 to be considered for appointment to a lower post (Class-IV), identical to the one held by his

¹ (1997) 8 SCC 85.

deceased father, does not entail any relaxation of eligibility norms, nor does it confer upon him any undue or undeserved advantage.

14. The appellants, relying upon various judgments such as *Sadananda Halo v. Momtaz Ali Sheikh*², *Vijendra Kumar Verma v. Public Service Commission*³, and *Manish Kumar Shahi v. State of Bihar*⁴, among others, contended that after taking part in the selection process, knowing fully well the procedure, the Respondent no. 1 cannot challenge it later. We have perused the judgments relied upon by the appellants, but these have no relevance to the instant case, as the material facts in those cases are clearly distinguishable from the facts of the present matter. The afore-mentioned cases do not deal with the issue of compassionate appointments, which is an exception to the ‘rule of equality’ in the matters of public employment, as was held in *General Manager, State Bank of India v. Anju Jain*⁵ and wholly distinct from the usual process of ‘direct recruitment’. Had this been a case of ‘direct recruitment’, the

² (2008) 4 SCC 619

³ (2011) 1 SCC 150

⁴ (2010) 12 SCC 576

⁵ (2008) 8 SCC 475

Respondent no. 1 could not, in any circumstances, have been allowed to be considered for a lower post in lieu of, failing to satisfy the qualifications of the higher post. This distinction was also rightly made by the Single Bench of the High Court, in the order dated 24th January 2025. In addition, the Single Bench had rightly observed that it was the appellants themselves who had appointed the Respondent no. 1 to a higher post, namely, Assistant Grade-III, despite his not possessing the CPCT qualification.

15. Taking into account the humanitarian objective of the compassionate appointment scheme along with the surrounding circumstances, where the Respondent no. 1 fulfils all other essential qualifications and has also rendered *prima facie* unblemished service for a continuous period of four years, directing the competent authority to consider him for appointment to a Class-IV post cannot be said to transgress any statutory or policy conditions. No prejudice is caused to the administration or to any candidate by such a measure. On the contrary, it aligns with the institutional responsibility to implement welfare policies in a manner that preserves the beneficial character.

16. Additionally, directing the case of the Respondent no. 1 to be considered against a Class-IV post does not violate Clause 13.1 of the Government of Madhya Pradesh Memorandum dated 29th September 2014, which stipulates that a compassionate appointment once granted shall not be granted again on any other post. In the present case, the Respondent no. 1 is not seeking a “second” or fresh compassionate appointment. Instead, the relief sought is merely a downward adjustment to a Class IV post, which is analogous to a reallocation within the same establishment and framework to preserve the object of the social welfare scheme. Thus, the appellants’ reliance on Clause 13.1 is misplaced and reflects an unduly literal interpretation divorced from context and purpose, especially where termination would defeat the very purpose for which the appointment was granted.

17. It can be safely concluded that a narrow or mechanical construction of the rules governing compassionate appointment cannot be permitted to override the welfare-oriented purpose of the scheme. Where a procedural rigidity ceases to advance the humanitarian

intent of the policy and instead operates as an obstacle to its effective implementation, such a procedure must be construed liberally to ensure that justice is not sacrificed at the altar of technicality. In this context, it is apposite to recall the sagacious observations of V. R. Krishna Iyer, J. in *Sushil Kumar Sen vs. State of Bihar*⁶:

“Justice is the goal of jurisprudence – processual, as much as substantive. While this appeal has to be allowed,, I must sound a pessimistic note that it is too puritanical for a legal system to sacrifice the end product of equity and good conscience at the altar of processual punctiliousness and it is not too radical to avert a breakdown of obvious justice by bending sharply, if need be, the prescriptions of procedure. The wages of procedural sin should never be the death of rights.”

18. In this background, it is incumbent upon both the concerned government departments and the Courts to adopt a humane and purposive approach, ensuring that the spirit of the scheme prevails over strict or pedantic readings of its procedural stipulations. Procedures and technicalities in welfare schemes are meant to provide structure, not to become cracks through which the most vulnerable slip. When interpretation widens those cracks instead of

⁶ 1975 (1) SCC 774

narrowing them, the wall ceases to protect and begins to endanger.

19. It is also necessary to emphasise that a compassionate appointment, arising out of the death of an employee in harness, operates within a distinct framework carved out to address an exceptional situation. Such appointments are made against posts earmarked under the compassionate appointment scheme and do not trench upon vacancies meant for regular recruitment or for candidates belonging to other categories. In the absence of any demonstrable prejudice to similarly situated candidates or encroachment upon the rights of others, a direction to consider appointment of the Respondent no. 1 under the said scheme cannot be said to violate either the mandate of equality under Article 14 or the guarantee of equality of opportunity in matters of public employment under Article 16 of the Constitution of India. Compassionate appointment, being a narrowly tailored welfare measure, stands on a distinct footing and does not militate against the principles governing open competition in public employment as the appellants have sought to make out.

20. In view of the aforesaid discussion, we find no merit in this appeal, and the same is dismissed.

21. Consequently, we uphold the order dated 7th April, 2025 passed in Writ Appeal No. 894 of 2025 and direct the appellants to consider the case of the Respondent no. 1 for compassionate appointment to a Class-IV post, expeditiously and within six weeks.

22. Pending application(s), if any, shall stand disposed of.

.....**J.**
(SANJAY KAROL)

.....**J.**
(NONGMEIKAPAM KOTISWAR SINGH)

NEW DELHI;
NOVEMBER 28, 2025