



**IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3460]

MONDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 19055/2023

Between:

1. D RATNA KUMAR, S/O. D. PARESH BABU AGED ABOUT.
23 YEARS, OCCU. UN-EMPLOYEE R/O D.NO. 7-
164, S.C. COLONY, IRLAPADU(V), NADENDLA(M)
PALNADU, GUNTUR DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS
PRINCIPAL SECRETARY, AGRICULTURE
DEPARTMENT, SECRETARIAT BUILDINGS,
VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.

2. THE THE COMMISSIONER AND DIRECTOR OF
AGRICULTURE OF AP, OLD MIRCHI YARD, NALLAPADU
ROAD, CHUTTUGUNTA, GUNTUR.

3. THE DISTRICT AGRICULTURE OFFICER,
NARASARAOPET, PALNADU DISTRICT AT
NARASARAOPET.

4. THE ASSISTANT DIRECTOR OF AGRICULTURE,
VINUKONDA, PALNADU DISTRICT AT NARASARAOPET.

GUNTUR.

...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 impugned intimation dt.11- 11-2022 of the 4th respondent, wherein my request for appointment against any suitable post on compassionate grounds was rejected stating - 2- that the adoption deed dt.14-09-2018 was registered only 3 years 2 months 27 days before the demise (10-12-2021) of the government servant as illegal, improper, unjust, arbitrary and contrary to the Division Bench orders in WP.No.12814/2013,dt.30-07-2013 and further direct the Respondents 1 to 4 to appoint the petitioner against any suitable post on compassionate grounds by taking in to consideration of Registered Adoption deed. T4-09-2018 as per the Division Bench orders in WP.No.12814/2013,dt.30-07-2013 with all consequential benefits including the monitory and seniority from the date of impugned order and pass

IA NO: 1 OF 2023

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 1 to 4 to appoint the petitioner against any suitable post on compassionate grounds taking in to consideration of Registered Adoption deed. 14-09-2018 as per the Division Bench orders in WP.No.12814/2013,dt.30-07-2013 pending disposal of the above WP and pass

IA NO: 1 OF 2025

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 grant

leave for filing of the counter affidavit in W.P No. 19055 of 2023 and pass

Counsel for the Petitioner:

1. G SEENA KUMAR

Counsel for the Respondent(S):

1. GP FOR SERVICES II

2. GP FOR AGRICULTURE

The Court made the following:

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY**W.P.No.19055 of 2023****O R D E R:**

The present writ petition is filed questioning the intimation dated 11.11.2022 of Respondent No.4 rejecting the case of Petitioner for compassionate appointment.

2. The facts leading to the filing of this writ petition are as follows:

One D.Paresh Babu and natural father of the Petitioner D.Satyanandham are own brothers. The said D.Paresh Babu was a bachelor and was working as Office Subordinate in the Respondent's Department. While so, it is stated that the Paresh Babu had adopted the Petitioner in the year 2006 when the Petitioner was aged 5 years old and he was brought up in the custody of his adopted father. On 14.09.2008, vide Document No. 125/2018, the adoption of the Petitioner was registered. Subsequent thereto, the adopted father of the Petitioner D.Paresh Babu died on 10.12.2021. Thereafter, the Petitioner submitted representations on 22.04.2022 and 24.04.2022 requesting the Respondent-authorities for compassionate appointment. Though

the name of the Petitioner was included in the Service Register as adopted son and pension papers were forwarded to the sanctioning authority, the claim of the Petitioner for compassionate appointment was rejected on the ground that the adoption was executed within 5 years from the date of death of the late D.Paresh Babu. Hence, the present writ petition is filed.

3. Learned counsel for the Petitioner submits that the case of the Petitioner should have been considered for compassionate appointment more so when his name was registered in the Service Register as adopted son. Learned counsel relied upon a judgment of this Court in ***Suryapeta Municipality v. Boora Satish***¹.

4. Learned Assistant Government Pleader submitted that the adoption should be five (5) years prior to the death of the individual as per G.O.Ms.No.612 GA (Ser-A) Department dated 30.10.1991 and as the adoption in the case of the Petitioner was not within five (5) years, the impugned order of rejection of the case of the Petitioner for compassionate appointment cannot be faulted.

¹ 2013 (6) ALT 233

5. The adoption claimed by the Petitioner was said to have been in the year 2006 and the deed of adoption is of the year 2018. There is no explanation for the delay in registration of the adoption. Apart from the Registered deed of adoption, nothing is filed by the Petitioner i.e school records, education certificates or any social documents to establish his claim that he is adopted son of the deceased D.Paresh Babu since 2006. There is absolutely no explanation for this aspect by the Petitioner.

6. In the writ affidavit, reliance was placed on Section 6 of the Hindu Adoption and Maintenance Act, 1956 (for short 'the Act'), but for the said Act to apply, the adoptee parents and adoptive father should be Hindus as per Section 5(1) of the Act. The Section 5(1) reads as follows:

5.Adoptions to be regulated by this Chapter.—

*(1)No adoption shall be made after the commencement of this Act **by or to a Hindu** except in accordance with the provisions contained in this Chapter, and any adoption made in contravention of the said provisions shall be void.*

7. In this case, the name of adoptee parents is shown as "D.William Joseph" and the fact that they were practicing Hindus also needs to be established. The inter-religious adoptions were

recognized only after the advent of "Adoption Regulations" framed under Section 68 of the Juvenile Justice (Care and Protection) Act, 2015 and they were not recognised prior to that.

8. Apart from that, whether the deceased was a bachelor at the time of adoption is a critical fact that needs to be established to validate adoption, in view of Section 6 of the Hindu Adoption and Maintenance Act 1956 which requires consent. The registration of adoption though gives presumption, but for the aforesaid reasons, the circumstances are such that the presumption cannot sustain. The reliance on the entry of the name of the Petitioner in Service Register of the deceased was subsequent to the death and this Court is not inclined to place reliance on the same.

9. Therefore, this Court does not find any merit in the writ petition and the same is therefore dismissed leaving it open to the Petitioner to seek for appropriate declaratory relief in civil Court. No order as to costs.

As a sequel, pending applications, if any, shall stand closed.

Date:18.08.2025
KLP

NYAPATHY VIJAY, J