

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Constitution Petition No.D-327 of 2022

Date	Order with signature of Judge
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Before;
Mr. Justice Arbab Ali Hakro;
Mr. Justice Abdul Hamid Bhurgri.

Petitioner : Mst. Reema d/o Mukhtiar Ali Pathan.
Respondents : P.O Sindh and 03 others.
Through Mr. Liaquat Ali Shar, A.A.G.
Date of Hearing : ***27.10.2025.***
Date of Order : ***27.10.2025.***

ORDER

Abdul Hamid Bhurgri, J.- Through this petition, the petitioner seeks directions for the official respondents to issue an offer/appointment letter for the post of Primary School Teacher in her favour.

2. The case of the petitioner, as pleaded, is that pursuant to an advertisement issued by the respondents for recruitment of Primary School Teachers, she applied for the said post and successfully qualified the NTS test. It is stated that thereafter she approached the District Recruitment Committee (DRC) and other competent authorities for issuance of the offer letter; however, neither any offer letter was issued nor any intimation was provided to her regarding non-selection. She has further alleged that the respondents misused the “Mixed Category” of recruitment to favour certain preferred candidates, although, according to her, no such category was actually required for any school. It is alleged that the officials acted in a discriminatory manner, amounting to violation of her fundamental rights. The petitioner has placed reliance upon orders dated 26.01.2022, 16.02.2022 and 22.03.2022 passed in CP No.D-1416/2020, CP No.D-290/2022 and CP No.D-130/2022 respectively, wherein grievance redressal committees were directed to examine the cases of similarly placed candidates.

3. Respondent No.2 has filed comments stating that several petitions on the same subject matter were earlier filed before the High

Court of Sindh, Circuit Court Hyderabad, and those petitions were dismissed on the ground of laches. It is thus prayed that the instant petition may also be dismissed on the same ground.

4. The record reflects that vide order dated 20.04.2022, notices were directed to be issued. Thereafter, neither the petitioner nor her counsel remained present to pursue the matter, thereby indicating lack of diligence on her part.

5. We have heard the learned A.A.G and perused the available record. At the very outset, it is clear that the petitioner's alleged cause of grievance pertains to the year 2013, when the recruitment process was concluded and she was allegedly denied appointment. The petitioner approached this Court after an unexplained delay of nearly nine years. By now, the recruitment process has long been completed, appointments if any have already been made, and the matter has become a past and closed transaction. The petition is, therefore, squarely hit by the doctrine of laches. Reliance is placed in the case of **State Bank of Pakistan through Governor and another v. Imtiaz Ali Khan and others (PLJ 2012 SC 289)**, wherein the Honourable apex Court has held as follows:-

“---Laches was a doctrine whereunder a party which may have a right, which was otherwise enforceable, loses such right to the extent of its endorsement, if it was found by the Court of law that its case was hit by the doctrine of laches/limitation---Right remains with the party, but he cannot enforce it-Limitation is examined by the Limitation Act, 1908 or by special laws which have inbuilt provisions for seeking relief against any grievance within the time specified under the law and if party aggrieved does not approach the appropriate forum within the stipulated period/time, the grievance though remains, but it cannot be redressed because if on the one hand there was a right with a party which he could have enforced against the other, but because of principle of Limitation/laches, same right then vests/accrues in favour of the opposite party.”

The Honourable Supreme Court in the case of **Jawad Mir Muhammad and others v. Haroon Mirza and others reported in PLD 2007 SC 472**, has held as under:-

“Article 199. Constitution petition. Laches. Principles. Laches per se is not a bar to the constitutional jurisdiction and

question of delay in filing would have to be examined with reference to the facts of each case. Question of delay/laches in filing constitutional petition has to be given serious consideration and unless a satisfactory and plausible explanation is forthcoming for delay in filing constitutional petition, the same cannot be overlooked or ignored subject to facts and circumstances of each case”.

Likewise, in the case of **Asghar Khan and 5 others v. Province of Sindh through Home Secretary Government of Sindh and 4 others (2014 PLC (C.S) 1292)**, it was held as under:-

“We feel no hesitation in our mind to hold that the petition is hit by laches. The consideration upon which the court refuses to exercise its discretion where the petition is delayed is not limitation but matters relating to the conduct of parties and change in the situation. Laches in simplest form mean failure of a person to do something which should have been done by him within a reasonable time if remedy of constitutional petition is not availed within reasonable time the interference can be refused on the ground of laches. Even otherwise, grant of relief in writ jurisdiction is discretionary, which is required to be exercised judiciously. No hard and fast rule can be laid down for the exercise of discretion by the Court for grant of refusal for the relief in the exercise of extraordinary jurisdiction”.

6. As regards the orders relied upon by the petitioner, passed in CP Nos.D-1416/2020, 290/2022 and 130/2022, it appears that the grievance redressal committees were directed therein to examine the claims of the respective petitioners. However, the question of laches was not considered or decided in those petitions. Hence, such orders do not advance the petitioner’s case and cannot override the settled legal position regarding delay.

7. It is also pertinent that the petitioner has not disclosed her obtained marks, her merit position, or any material document to show that she fell within the zone of consideration. Except a photocopy of the advertisement and roll number slip, no supportive document has been filed. Allegations of favouritism or corruption, without any substantiation, cannot form the basis of judicial interference.

8. Additionally, a batch of petitions bearing C.P Nos.D-868, 879, 908, 985, 994, 998, 1012, 1019, 1024, 1046 and 1054 of 2022, challenging the same recruitment process, has already been dismissed

by the High Court of Sindh, Circuit Court Hyderabad, vide order dated 29.03.2022, on the ground of laches. The present petition stands on an even weaker footing due to the prolonged and unexplained delay on the petitioner's part.

9. It is a settled principle that concluded recruitment processes cannot be reopened after an inordinate lapse of time. Doing so would not only unsettle the rights of other candidates but also prejudice the administrative framework of the department. Courts refrain from disturbing settled matters unless exceptional circumstances are shown, which are absent in this case.

10. The petitioner has also failed to approach the Court with clean hands. Non-disclosure of material facts particularly her merit position and relevant documents reflects lack of candour. Constitutional jurisdiction being discretionary, such conduct disentitles the petitioner from seeking any equitable relief.

11. For the foregoing reasons, it is evident that the petition is hopelessly barred by laches, pertains to a settled and concluded recruitment process, and does not warrant interference under Article 199 of the Constitution. Accordingly, this petition is dismissed, along with all pending applications, if any.

JUDGE

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