

IN THE HIGH COURT OF SINDH, KARACHI

Present:

**Mr. Justice Muhammad Saleem Jessar
Mr. Justice Nisar Ahmed Bhanbhro**

Constitution Petition No. D-721 of 2026 (Sobia Nadeem v. Chairman, SPSC & others)

Petitioner Sobia Nadeem : In person

Respondents : Through Mr. Hakim Ali Shaikh,
1. Chairman, SPSC Additional Advocate General, Sindh a/w
2. Secretary, Education Mr. Allah Ditta Litigation Officer, School
and Literacy Education & Literacy Department and
Department Mashooque Ali Gopang, Assistant Director
3. Secretary, SGA&CD (Legal) on behalf of Chairman SPSC
Respondent No.1.

Date of hearing and : 10.03.2026
judgment

ORDER

Muhammad Saleem Jessar, J:- Through this petition the petitioner has claimed following relief:-

- (a) Declare the impugned action of the Respondents declaring the Petitioner ineligible as unlawful, discriminatory, and unconstitutional;
- (b) Declare that the uniform 50% percentage criterion for literature and science subjects without reasonable classification is illegal and violate of Articles 4 and 25 of the Constitution;
- (c) Direct the Respondents to treat the Petitioner as eligible and consider her candidature for the post of Subject Specialist (English) in accordance with law; suspend the operation of the impugned eligibility condition during the pendency of this petition;
- (d) Declare all Public Service Commissions across Pakistan, being constitutional and statutory bodies are bound to adopt and follow a uniform, reasonable, and non-discriminatory policy for acceptance and recognition of qualifications, so that a candidate duly accepted and considered eligible in one province may not be placed at a disadvantage or declared ineligible in another province without lawful justification;

2. It is contended by the petitioner that She appeared in the examination conducted by Sindh Public Service Commission for appointment to the post of Subject Specialist BS -17, pursuant to advertisement dated 25.09.2024. She passed the written examination, however her candidature was rejected on the ground that she had passed her Masters Degree in less than 50 percent marks. She contended that the fixation of Criteria of Masters Degree or 16 years academic qualification with minimum 50 percent passing marks for appointment to the post of Subject Specialist in the field of Literature and Science was not a reasonable classification, discriminatory and violated the fundamental rights of the Petitioner enshrined under Article 25 of the Constitution of Islamic Republic of Pakistan, 1973 (“the Constitution”). She next contended that Respondents may be directed to revise the recruitment rules notified through notification dated 15.01.2021 and minimum passing marks in masters degree fixed for subject of literature may be lowered from 50 percent. She prayed to allow this petition.

3. Learned Additional Advocate General, Sindh submits that the Education and Literacy Department, Government of Sindh in consultation with the Services and General Administration Department, Government of Sindh by invoking the provisions of Rule 3 of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 has determined the method, qualification and criteria for the appointment to the post of Subject Specialist in Grade-17 in Education and Literacy Department, Government of Sindh vide Notification dated 15.01.2021, wherein the minimum

qualification for the post of Subject Specialist (BPS-17) has been fixed as master's or equivalent degree (sixteen years) in relevant subjects with minimum 50 percent marks from HEC recognized university. He contends that since the Subject Specialists impart education therefore, competency and efficiency of a candidate matters. He contended that if the criteria is relaxed the taught would be deprived from the quality education. He further contends that the classification is within the parameters of Appointment Rules and did not discriminate the petitioner as alleged. he prayed for dismissal of this petition.

4. Heard the arguments and perused the material made available before us on record.

5. The crux of controversy involved in this petition is fixation of method, qualification and criteria for appointment to the post of subject specialist in School Education & Literacy Department. Rule 3 of the *Ibid* Rules, 1974 required the Administrative Department to determine the method, criteria and other conditions for the appointment of a particular post. The School Education & Literacy Department in consultation with the Services and General Administration Department, Government of Sindh has fixed the said criteria for appointment to the post of Subject Specialist BS -17 as the Master's Degree or equivalent (sixteen years) from HEC recognized university with minimum percentage of 50 or above. The contention of the petitioner that there should be some distinction for fixation of appointment criteria in the subjects of literature and science, and

keeping the same criteria of appointment was not a reasonable classification, needless to say that the position of Subject Specialist requires research and teaching, therefore, the Administrative Department is well within its discretion to fix minimum qualification for appointment including passing percentage. The criteria for the appointment of Subject Specialist is quite in line with the principles of equity enshrined under Article 25 of the Constitution, which reads as under:-

“25. (1). All citizens are equal before law and are entitled to equal protection of law.

(2) There shall be no discrimination on the basis of sex.

(3) Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.”

6. It is further the case of the Petitioner that she appeared in the examination conducted by Sindh Public Service Commission for the post of Subject Specialist (English), her candidature was rejected on the ground that she had secured less than 50 percent marks in her Masters degree. We have examined the academic credentials of the Petitioner and find that she has secured 46 percentage in Masters Degree as such did not qualify for appointment as Subject Specialist. In its advertisement dated 25.09.2024 SPSC had clearly mentioned the eligibility criteria for the post of Subject Specialist. Since the Petitioner did not qualify for the appointment her candidature was rightly rejected. Petitioner has failed to demonstrate that she has not been dealt with in accordance with law. Article 25 of the Constitution is not attracted in this case, as no any discrimination has been caused to the petitioner. On the contrary, the Notification

dated 15.01.2021 holds the grounds for equal treatment to all the citizens and shuns disparity as articulated under article 27 of the Constitution . The criteria fixed by the Education Department was well within the acceptable threshold as field of teaching requires services of competent persons and strict conditions if any fixed by the Department for appointment was an internal mechanism and cannot be disturbed by this Court by exercising the powers of judicial review under its writ jurisdiction.

7. For the foregoing reasons, this petition being devoid of merit is dismissed alongwith pending application(s).

**JUDGE
HEAD OF CONST. BENCHES**

JUDGE

B-K Soomro

B-Approved for reporting