

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Constitutional Petition No.D-1070 of 2012

Before:

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

Petitioners: Kaleemullah Khilji, Petitioner No 1 & attorney
of petitioners No.2 and 3, present in person.

Respondents: The Province of Sindh
Through Mr. Liaqat Ali Shar,
Additional Advocate General, Sindh

Date of hearing: 02-10-2025

Date of Decision: 02-10-2025

ORDER

NISAR AHMED BHANBHRO J.- Through the instant petition, the petitioners claim the following relief:

- a. To declare that the petitioners are eligible to be included in the list for the post of Arabic/Oriental Teacher BPS-09, further to direct the respondents to issue offer letter to the petitioners and after codal formalities have the petitioners posted at a suitable post and their salary may be issued.
- b. To cancel the orders any of the ineligible candidates after due verification of their documents having no OTC certificates or having fake/managed documents.
- c. To hold an enquiry regarding gross violation of the Merit in the appointment process of Arabic/Oriental Teachers BPS-09 in district Kashmore @ Kandhkot and thereafter strict legal action may be taken against the delinquent officers who are so involved.

2. Petitioner No.1 Kaleemullah Khilji, submitted that Education and Literacy Department through an advertisement dated 26.09.2010 and 13.04.2012

respectively published in Daily Kawish newspaper invited application for recruitment to the posts of Arabic Teachers/Oriental Teachers BPS-09. He contended that the petitioners being qualified candidates applied for the post of Arabic/Oriental Teacher. He argued that the Petitioners appeared in the written test and qualified the same but the result was not officially publicized with malafide intention of the respondents merely to favor the politically influenced persons/candidates. He contended that unqualified and fake degree holders were issued the offer letters by the respondents after getting bribe and illegal gratification so also on the recommendation of political elites. He argued that an impartial enquiry is required to unearth the gross irregularity and gross violation of the rules and regulations in the recruitment process. He prayed for allowing this petition.

3. Mr. Liaqat Ali Shar learned Additional Advocate General, controverting the submissions of the petitioners argued that the petitioners failed to qualify the written test, therefore, they were not considered for appointment. He prayed that petition merits no consideration and liable to be dismissed.

4. Heard arguments and perused material available on record.

5. From scanning of the record, it appears that the petitioners have levelled bald allegations of favoritism. No material worth consideration was placed on record to substantiate the allegation of irregularities and illegalities and favoritism in the recruitment process. The averments made in the petition are specifically denied by the respondents. The instant lis was filed against the recruitment process initiated in year 2012, which stood finalized and appointment letters to the successful candidates are also issued. The petitioners failed to establish that they passed the recruitment test and any candidates having secured less marks to those of the Petitioners were accommodated in service. Moreover, the petitioners did not array the successful candidates as party to the petition. The office raised the objection of non-arraying the necessary persons as party to the petition and non-filing of the merit list at the time of institution of the petition, which still subsisted and not been complied with by the petitioners despite of availing several opportunities. The prayer sought by the petitioners cannot be granted without affording the right of audience to the appointees, as any adverse order in the petition may affect their rights. The Petitioners have failed to prove any irregularity in the appointment process, which was purely an internal issue of

the department. This Court sparingly exercises the powers of judicial review in the matters of appointment, and only in the cases where it is established that the recruitment was done in violation of laws and rules and competent authority acted beyond the bounds of law and transparency was compromised, which affected the fundamental rights of individuals.

6. For the aforementioned discussion, we find no justification for indulgence by this court in the recruitment process. The petition being devoid of merits fails and consequently dismissed with no order as to the costs along with listed applications.

JUDGE

JUDGE

Asghar Altaf/P.A