

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
2nd C.P.No.D-53 of 2024

*(Bashir Ahmed Ogahi v/s. Secretary Education and Literacy
Department and others)*

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objections at flag "A".
2. For orders on maintainability of main case.

02.10.2025

Mr. Liaquat Ali Shar, Additional Advocate General, Sindh.

Mr. Ali Nawaz Depar, advocate by effecting his presence holds brief for Mr. Inayatullah G. Morio, counsel for the petitioner on the ground that the latter learned counsel is unwell. However, Additional Advocate General, Sindh draws attention of the Court towards comments submitted by respondent No.3 through his statement dated 23.04.2025 and referred rebuttal to the para-3 of the of the petition, which reads as under:

“That the contents of para-3, raised concerns could not find any evidence to support the claims. As per the merit list and DRC the last selected candidate scored 121 marks aggregate while the petitioner secured 113 aggregate ranking 13th in Union Council Dari, Taluka Kandhkot merit list. Only 6 candidates were selected as per the vacancy position. The record confirms that none of these alleged individuals are listed in the District Recruitment Committee (DRC) list the merit list.”

He further submits that recruitment process in respect of the appointment pertains to year 2009 and the petitioner had approached this Court on 23.01.2024 i.e. with delay of about 15 years; hence, the doctrine of laches is attracted, therefore, instant petition is not maintainable. In support of his contentions, he has placed his reliance upon an esteemed Judgment dated 01.04.2015, penned down by learned Apex Court in Civil Petition No.186-K of 2013 (*Re- Muhamad Arif and others v/s. Province of Sindh through Chief Secretary and others*). Besides, the petitioner had not secured adequate marks to claim his merit, therefore, if it will be adjourned even then no purpose would be served; hence he seeks disposal of instant petition. Record supports the contentions of the Additional Advocate General, Sindh.

We have also gone through the averments made under the petition in hand, which reveals that the petitioner had applied for the post of Primary School Teacher against an advertisement got published by the respondents in various newspapers in the year 2009 and the petitioner secured 113 aggregate marks, however, the person who was appointed secured 121 aggregate marks; thus he does not qualify for the post he applied for. Besides no justification for filing this petition with delay of about 15 years has been furnished. Moreover, the petitioner had also filed a joint petition being C.P.No.D-211/2017 before this Court, which by way of order dated 09.02.2022 was dismissed for non prosecution, whereby certain directions were issued for the petitioners to approach the D.R.C.

In any case, the petition in hand, in view of the above factual position merits no consideration. Accordingly, it is hereby dismissed with no order as to costs.

Judge

Judge

Manzoor