

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Petition No. D-4269 of 2024
(*Shahrukh Ahmed versus The Secretary, University of Board & others*)

Date	Order with signature of Judge(s)
	Before: Mr. Justice Muhammad Karim Khan Agha Mr. Justice Adnan-ul-Karim Memon

Date of hearing and order:- 30.10.2025

Mr. Saddam Khan Pechehuo Rasheed advocate for the petitioner
Mr. Rajeesh Kumar Khagaija advocate for respondent Nos. 2 to 4.
Ms. Saima Imdad, Assistant Advocate General, assisted by
Ms. Humaira Jatoi.

ORDER

Muhammad Karim Khan Agha, J: The petitioner has prayed as
under:

1. *To direct the respondents to issue the appointment order to the petitioner against the deceased quota for which the petitioner had applied, and his documents were verified from the concerned quarters, as he petitioner and his family member are suffering a lot and passing the hard days in starvation conditions.*
2. The petitioner states that his father, Sharif Ahmed (late), was employed as a Shop Assistant (BS-06) at the Government College of Technology, SITE Karachi, and passed away on 02.07.2003 while performing his duties. An obituary was issued on 14.01.2004, and all legal heirs submitted affidavits of no objection for the petitioner’s appointment under the deceased quota. Despite repeated requests and completion of document verification, the petitioner has not been appointed, while others are allegedly being appointed on political grounds. The petitioner, therefore, seeks appointment under the deceased quota.
3. The counsel for respondents Nos. 2 to 4 contends that the policy of appointments under the deceased quota has been declared discriminatory and unconstitutional as it violates Articles 3, 4, 5(2), 18, 25(1), and 27 of the Constitution of Pakistan, granting unjustified preference to one group of citizens. Hence, the petition is infructuous and liable to dismissal.
4. The learned Assistant Advocate General supports the arguments of the respondents.
5. After hearing the parties and examining the record, it appears that the petitioner simply sought appointment under the deceased quota, claiming his right had accrued prior to the Supreme Court’s judgment in Muhammad Jalal v. General Post Office, Islamabad (PLD 2024 SC 1276), which struck down Rule 11-A of the Sindh Civil Servants (APT) Rules, 1974. The petitioner counsel argued that the *Jalal* judgment

operated prospectively and could not affect cases already under scrutiny before 26.09.2024.

6. However, the *Jalal* judgment declared the deceased quota unconstitutional as violative of fundamental rights and directed that no new appointments be made under Rule 11-A. The Sindh Government, through Circular dated 23.10.2024, implemented this directive, clarifying that only those whose appointment orders had been issued on or before 26.09.2024 were protected. The petitioner's case was still pending without issuance of an appointment order; hence, no vested right had accrued.

7. In view of the binding effect of the Supreme Court's declaration under Article 189 of the Constitution and the principles of equality and merit-based recruitment, this Court finds no legal basis to grant relief.

8. The instant Constitutional Petition, along with pending applications, is dismissed as being devoid of merit.

HEAD OF CONST. BENCHES

JUDGE

Shafi