

## THE HIGH COURT OF SINDH, BENCH AT SUKKUR

C.P. No.D-**2415** of 2014  
(*Pir Bux Mahar v. Province of Sindh & others*)

PRESENT:

MR. JUSTICE ZULFIQAR ALI SANGI;  
MR. JUSTICE RIAZAT ALI SAHAR;

Petitioner: Pir Bux through Mr. Achar Khan Gabol,  
Advocate

Respondents: Province of Sindh & others through Mr. Ali Raza  
Balouch, Additional Advocate General Sindh.

Date of hearing: 15.10.2025 and 05.11.2025  
Date of Judgment: **26.11.2025**

### JUDGMENT

**RIAZAT ALI SAHAR.J.** - Through the instant petition, the petitioner has stated that he had applied for the post of Primary School Teacher (PST) pursuant to a public advertisement issued by the competent authority and after successfully qualifying the written test and interview, he was appointed as PST upon completion of all codal formalities. He received the offer letter dated 18.02.2011, medical fitness certificate dated 19.02.2011, character certificate dated 24.02.2011 and appointment order dated 01.03.2011. The petitioner further stated that he submitted his joining report before the Head Master, Government Primary School Pir Bux Chachar on 01.03.2011 and since then he has been performing his duties diligently, punctually and to the satisfaction of the respondents and other supervisory officers. However, due to certain misunderstandings and *mala fide* actions by some elements within the department, the petitioner was restrained from performing his duties, compelling him to file **C.P. No.D-2701 of 2011** before this Court. During the pendency of that petition, the District Education Officer, Ghotki at Mirpur Mathelo, through letter dated 13.08.2012, withdrew his earlier letter dated 30.06.2012, thereby restoring the petitioner's position and confirming continuity of his service from the date of appointment. Since his joining on 01.03.2011, the petitioner has continuously performed his duties without interruption; however, despite his lawful appointment, continuous service and satisfactory performance, the petitioner has been deprived of his salary from the very date of joining. The petitioner contended that withholding of salary is illegal, arbitrary and in violation

of the petitioner's fundamental rights, as he was appointed on merit and has been performing his duties without any complaint. The petitioner stated that he and his family are suffering grave financial hardship due to non-payment of salary and the respondents are duty bound to release his salary from the date of joining and continue the same in future. The petitioner, therefore, filed instant petition with the following prayers:-

- a) To direct the respondents No.2 and 3 to release/issue salaries of the petitioner from his joining report i.e. 01.03.2011, and to continue the same in future;*
- b) To direct the respondents No.2 and 3 to release/issue current salaries till final disposal of this petition.*
- c) To grant any other further relief is fitting to the facts and circumstances of the case.*

**2.** Pursuant to Court notice, Respondent No.2, the District Education Officer (Primary), Ghotki @ Mirpur Mathelo, submitted in his statement that during Year 2011, the recruitment of Primary School Teachers (PSTs) and Junior School Teachers (JSTs) was carried out strictly in accordance with the Recruitment Policy, 2008, which prescribed the criteria for merit-based selection and awarded additional marks to candidates possessing higher academic qualifications such as Intermediate, B.A./B.Sc., M.A./M.Sc., B.Ed., and M.Ed. During the recruitment process, the petitioner produced a B.Ed. certificate bearing No.34310 of the annual examination 2004, purportedly issued by Shah Abdul Latif University, Khairpur. Upon verification, said certificate was found to be fake and bogus, as confirmed by Shah Abdul Latif University, Khairpur through Letter No. Exam/Sec/MA/SALU/Khp-1003/2011 dated 04.05.2011. Consequently, on the basis of the fake certificate, the Offer Letter No.443 dated 18.02.2011 and Appointment Order No.281 dated 09.03.2011 issued in favour of the petitioner were cancelled and withdrawn vide letter No. EDOE(Admn-II)1656 dated 30.06.2011. Subsequently, when the petitioner failed to sustain his appointment, he approached the then District Education Officer (Mr. Allah Rakhio Jatoi), seeking verification of his P.T.C. certificate instead of the earlier disputed B.Ed. certificate. The said officer got the PTC certificate verified from the Bureau of Curriculum and Extension Wing, Sindh, Jamshoro, and on that basis, the petitioner's services were restored vide letter No.DEO/Admn-97/2012 dated 13.08.2012, after a lapse of about one year and four months. He has further submitted that the petitioner

subsequently continued his studies at Shah Abdul Latif University, Khairpur and passed the B.Ed. examination after the completion of the recruitment process, finalization of the merit list and deliberations of the District Recruitment Committee. The minutes of the DRC meeting categorically provided that if any document produced by a candidate was found fake or bogus, his appointment would stand cancelled. It is further stated that if the petitioner's PTC marks alone were considered, he would not have fallen within the merit range for his Union Council, as his position would have been at Serial No.25 against only 11 available seats, thereby rendering him ineligible for appointment. In light of these facts, respondent submitted that the present petition is misconceived and liable to be dismissed, with further directions to initiate proceedings, including registration of an FIR against the petitioner and other beneficiaries, in accordance with the judgment of this Court passed in C.P. No.D-1414/2010 (Pirthvee Raj & others v. Province of Sindh and others).

**3.** Learned counsel for the petitioner contended that the petitioner was appointed as a Primary School Teacher strictly on merit after fulfilling all codal formalities and his appointment was duly approved by the competent authority. He contended that the petitioner has been continuously performing his duties since 01.03.2011 with punctuality and without any complaint, yet his salary has been unlawfully withheld, causing severe financial hardship. He further contended that the petitioner's service was restored by the competent authority through letter dated 13.08.2012, thereby confirming the legality and continuity of his appointment. Learned counsel further contended that the alleged verification dispute was resolved long ago and the respondents have no justification for withholding the petitioner's salary. He also contended that even if there had been any earlier procedural irregularity, the same stood rectified and no show-cause or departmental action is pending. Lastly, he prayed that the respondents be directed to release the petitioner's salary from the date of his joining and continue the same in future.

**4.** Conversely, learned A.A.G. Sindh supported the stance of respondent No.2 and contended that the petitioner had initially produced a fake B.Ed. certificate, which was duly verified as bogus by Shah Abdul Latif University, Khairpur. He contended that the petitioner's

appointment was therefore void *ab initio* and could not confer any legal right to claim salary. He further contended that the subsequent restoration based on a PTC certificate was irregular, as the petitioner did not fall within the merit range of the Union Council under the Recruitment Policy, 2008. Learned A.A.G. contended that the petitioner's claim is misconceived, mala fide and aimed at deriving benefits from a fraudulent act. He prayed for dismissal of the petition with costs.

**5.** We have heard the learned counsel for the petitioner, learned A.A.G. Sindh for the respondents and perused the material available on record very carefully.

**6.** From the record and material placed on record, it transpires that the petitioner's appointment as Primary School Teacher (PST) was made during the recruitment process of 2011 under the Recruitment Policy, 2008, which prescribed a transparent merit-based procedure with weightage for higher academic qualifications. The record further reflects that during verification of the petitioner's academic credentials, the B.Ed. certificate bearing No.34310 (Annual Examination 2004), produced by the petitioner, was found fake and bogus by Shah Abdul Latif University, Khairpur through letter dated 04.05.2011. Consequently, the petitioner's offer letter and appointment order were lawfully withdrawn and cancelled by the competent authority vide letter dated 30.06.2011.

**7.** The subsequent restoration of the petitioner's services on the basis of his PTC certificate after a lapse of more than a year, as reflected in letter dated 13.08.2012, cannot cure the inherent defect of the original appointment made on the strength of a forged academic document. It is a settled principle of law that any right or benefit obtained on the basis of a false or fabricated document is *void ab initio* and cannot create any vested or enforceable right in favour of the beneficiary. The petitioner's alleged continuous performance of duties, even if accepted, cannot legitimize an appointment tainted by fraud or misrepresentation.

**8.** Moreover, the respondents have categorically asserted that if marks were computed on the basis of the petitioner's PTC qualification alone, he would not have fallen within the merit range or seat allocation of his Union Council, ranking at Serial No.25 against only 11 available posts. This factual assertion remains un-rebutted by the petitioner,

thereby rendering his claim of merit-based selection untenable. The subsequent acquisition of a valid B.Ed. qualification after the conclusion of recruitment and finalization of merit lists cannot retrospectively validate his earlier entry into service.

**9.** It is also settled law that fraud vitiates even the most legitimate claims and no one can claim a right or benefit flowing from an act founded upon deceit. The plea of length of service or hardship cannot override the requirement of lawful appointment through a recognized process. The respondents' act of withholding salary, therefore, cannot be termed arbitrary or *mala fide* when the foundational document of appointment stands discredited upon verification.

**10.** While it would have been procedurally proper for the department to issue a formal show-cause notice before recalling the appointment, such an omission does not override the substantive illegality of an appointment based on forged credentials. The burden to establish a valid appointment squarely lies upon the petitioner and he has failed to produce any credible evidence substantiating his lawful entry into service under the applicable recruitment rules and merit criteria.

**11.** In view of the above discussion, we are of the considered opinion that the petitioner has failed to establish any legal entitlement to the relief claimed. His appointment stood vitiated due to reliance on a forged academic document and lack of merit-based eligibility under the Recruitment Policy, 2008. Accordingly, the captioned petition stands **dismissed**, with no order as to costs.

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