

**IN HIGH COURT OF SINDH, CIRCUIT COURT  
HYDERABAD**

**C.P. No.D-441 of 2026**

[Mehboob Ali Solangi v. Province of Sindh & others]

**Before:**

**Mr. Justice Arbab Ali Hakro**

**Mr. Justice Riazat Ali Sahar**

Petitioner : Mehboob Ali Solangi through  
Mr. Jehanzeb Ali Dahri, Advocate.

Respondents : Nil.

Date of Hearing : **26.02.2026**

Date of Decision : **26.02.2026**

**ORDER**

**RIAZAT ALI SAHAR. J.**, - Through this petition, the petitioner is seeking following reliefs:-

- a) *Issue writ in the nature of quo warranto directing respondent No.4 to show under what authority of law he is holding the office of Officer Incharge /Senior Superintendent (BPS-19), Central Prison & Correctional Facility, Hyderabad;*
- b) *Upon failure to justify lawful authority, declare the appointment, promotion and continuation of respondent No.4 in the said office as illegal, void ab initio and without lawful authority;*
- c) *Direct respondents No.1 to 3 to remove respondent No.4 from the said post forthwith in accordance with law;*
- d) *Grant any other relief deemed just and proper in the circumstances of the case.*

2. In the instant petition, the petitioner has stated that he is an Advocate by profession and has invoked the constitutional jurisdiction of this Court under Article 199 of the onstitution in the nature of quo warranto. He stated that respondent No.4 is unlawfully holding the public office of Officer Incharge/Senior Superintendent (BPS-19), Central Prison & Correctional Facility, Hyderabad. The

foundation of the challenge is the initial appointment of respondent No.4 as Deputy Superintendent of Police (BPS-17) in the Prisons Department vide summary and notification dated 18.03.2013 against deceased quota. The petitioner has alleged that the appointment was made without advertisement and without open competition. The petitioner also stated that Rule 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 permits appointment on deceased quota only from BPS-1 to BPS-15 and that too in favour of children of the deceased employee. In the present case, respondent No.4 was appointed in BPS-17 and allegedly against his deceased brother. The petitioner further stated that subsequent summaries moved by competent authorities in the years 2013, 2015 and 2016 acknowledged irregularities in the appointment; however, no corrective action was taken. Despite such objections, respondent No.4 was promoted to BPS-18 and later entrusted with the charge of BPS-19 vide notification dated 25.10.2025.

3. Learned counsel for the petitioner contends that the initial appointment of respondent No.4 was *ex facie* illegal, being in violation of Rule 11-A of the 1974 Rules and Article 242 of the Constitution. He contends that appointment to BPS-17 without advertisement and without consultation with the Public Service Commission is void in the eyes of law. Learned counsel further contends that deceased quota cannot be extended to a brother nor to a post beyond BPS-15 and therefore, the appointment of respondent No.4 is unlawful. He contends that writ of quo warranto lies to test the legality of holding a public office and is maintainable even without proof of personal grievance.

4. We have queried the learned counsel regarding the maintainability of the petition in view of the admitted delay of approximately thirteen years in challenging the initial appointment made in 2013. We have further asked whether the discretionary jurisdiction under Article 199 could be exercised in the face of such unexplained and inordinate delay, attracting the doctrine of laches. Admittedly, the initial appointment of respondent No.4 was made on 18.03.2013, whereas the present petition has been instituted in the year 2026. **The petitioner has failed to furnish any plausible explanation for this extraordinary delay of about thirteen years.** Constitutional jurisdiction under Article 199 of the Constitution is

discretionary and equitable in nature and relief may be declined where a litigant approaches the Court after prolonged and unexplained inaction.

5. At this juncture, it is pertinent to examine the *locus standi* claimed by the petitioner on the premise that he is a practicing Advocate who frequently visits the prison premises and, therefore, is competent to maintain the present petition in the interest of rule of law. A perusal of Annexure-A appended with the memo of petition reveals that the petitioner's enrolment date is 03.10.2017 and the licence was valid only up to 31.12.2017. No material has been placed on record to demonstrate renewal or subsistence of such enrolment thereafter. In absence of proof of a valid and subsisting licence, the claim of the petitioner that he is presently practicing as an Advocate *prima facie* appears doubtful. Practicing without a valid licence would be contrary to the mandate of the Legal Practitioners and Bar Councils framework governing enrolment and right of audience before Courts. This conduct raises a serious question regarding the bona fides of the petitioner and suggests that the instant petition may have been filed with some collateral or undisclosed objective rather than in genuine public interest. Accordingly, this aspect warrants independent scrutiny. The matter is, therefore, referred to the Secretary, Sindh Bar Council, Karachi, to conduct an inquiry into the status of the petitioner's enrolment and, if any violation is found, to take appropriate action strictly in accordance with law.

6. The doctrine of laches squarely applies to the present case. The Honourable Supreme Court of Pakistan in the case of **State Bank of Pakistan through Governor and another v. Imtiaz Ali Khan and others (PLJ 2012 SC 289)** has held that:-

*“Laches was a doctrine where under a party which may have a right, which was otherwise enforceable, loses such right to the extent of its endorsement, if it was found by the Court of law that its case was hit by the doctrine of laches/limitation--- Right remains with the party, but he cannot enforce it-- Limitation is examined by the Limitation Act, 1908 or by special laws which have inbuilt provisions for seeking relief against any grievance within the time specified under the law and if party aggrieved does not approach the appropriate*

*forum within the stipulated period/time, the grievance though remains, but it cannot be redressed because if on the one hand there was a right with a party which he could have enforced against the other, but because of principle of Limitation/laches, same right then vests/accrues in favour of the opposite party.”*

7. Similarly, a Division Bench of this Court in in the case of Asghar Khan and 5 others v. Province of Sindh through Home Secretary, Government of Sindh and others (2014 PLC (C.S) 1292) observed:

*“We feel no hesitation in our mind to hold that the petition is hit by laches. The consideration upon which the court refuses to exercise its discretion where the petition is delayed is not limitation but matters relating to the conduct of parties and change in the situation. Laches in simplest form mean failure of a person to do something which should have been done by him within a reasonable time if remedy of constitutional petition is not availed within reasonable time the interference can be refused on the ground of laches. Even otherwise, grant of relief in writ jurisdiction is discretionary, which is required to be exercised judiciously. No hard and fast rule can be laid down for the exercise of discretion by the Court for grant of refusal for the relief in the exercise of extraordinary jurisdiction.”*

8. Applying the above principles, we are of the considered view that the petition is hopelessly **barred by laches**. Interference at this belated stage would unsettle a position continuing for over a decade. Furthermore, the petitioner has not come with clean hands. The petitioner’s prolonged silence disentitles him from equitable relief. Consequently, the instant petition is **dismissed** in *limine* with costs of Rs.5,000/- to be deposited with the High Court Dispensary within fifteen days, failing which the same shall be recovered as arrears of land revenue.

**JUDGE**

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