

Order Sheet

HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

CP No. D- 2062 of 2025

[Manzoor Ali and others v. Province of Sindh & others]

Before :

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Riazat Ali Sahar

Petitioner : Through Mr. Ayaz Hussain Tunio, Advocate

Respondent : Mr. Unaib Kamal, Advocate for the University,
Mr. Rafiq Ahmed Dahri, Asstt: A.G.

Date of Hearing
& Decision: 09.12.2025

O R D E R

ADNAN-UL-KARIM MEMON, J.- Through this Constitutional Petition, the petitioners have prayed for the following relief(s):-

- a) That this Honourable court may be pleased to direct the respondents No.2 and 3 to issue and submit the proper voter list of all the officers of the administration side working in BPS-17 and above, making them eligible to cast their vote in the forthcoming elections of the syndicate.
- b) That, this Honourable court may be pleased to direct the respondents No.2 and 3 to include the names of petitioners and all officers of BPS-17 and above (Computer programmers, Superintendents and Senior Data processing officers) in the final/fresh voter list, eligible them to contest the election or cast their votes.
- c) That, this Honourable court may be pleased to direct the respondents No.2 and 3 not to create any kind of hurdle in the process of election on lame excuses for preparing a proper, eligible voters list showing all the officers from the administration side upto BPS 17 and above, which was already issued in 2019, excluding the retired officers.
- d) That, this Honourable court may be pleased to direct the respondents No.2 and 3 to conduct a fair and transparent election as per the final/fresh voter list to be prepared as per the presently working budgetary position of officers of the administration side from BPS-17 and above.
- e) That this Honourable court may be pleased to direct the respondents not to take any coercive action against the petitioners out of personal grudge and bias towards them.
- f) Any other relief which this Honourable court deems fit and proper may be awarded to the applicant.

2. The case of the petitioners is that they currently are serving at University of Sindh in various administrative capacities, including as Computer Programmers, Senior Data Processing Officers, and Superintendents, all within BPS-17 and above. Being employees of the University, the petitioners possess the constitutional and statutory right to contest, vote, and participate in the election process in accordance with the Sindh Universities and Institutes Laws (Amendment) Act, 2018, Sindh Act No. XV of 2018, which provides that one university officer from the administrative side shall be elected from amongst administrative officers for Member of Syndicate. Previously, a constitutional petition bearing CP No. 3585 of 2022 was filed before this Court by Syed Sajjad Hussain Shah, a Senior Transport Officer, against the Province of Sindh and others, which was disposed of on 22.02.2023 with direction to conduct elections within three months after framing of rules. Despite this, the respondents failed to comply, prompting the petitioner to file contempt application (MA No. 8993 of 2024), which was disposed of on 16.10.2025 with clear directions that the University administration must issue the election schedule within 40 days and ensure that the elections are held within two months. This Court further clarified that the petitioner shall not be deprived of the right to contest elections and any denial of participation would render the election process null and void. Following this, the petitioners, along with other BPS-17 and above officers, applied to Respondent No.2 requesting for publication of voter list that includes Computer Programmers, Superintendents, and Senior Data Processing Officers for election to the Syndicate seat from administrative officers. In response, the University issued a notification dated 19.11.2025 announcing the schedule for election. However, it was observed that the voter list accompanying the election schedule included only 45 officers out of approximately 127 officers serving in BPS-17 and above. Consequently, the petitioners and several eligible officers were excluded, thereby being deprived of their right to vote. The list relied on the outdated National Pay Scale (NPS) 1975, whereas the Basic Pay Scale (BPS) 1983 has been in effect since 1983. It is urged that a review of prior elections demonstrates that in 2019, the Election Officer/Registrar issued a voter list that included in all 152 eligible administrative officers. Additionally, other universities in Sindh, such as Shah Abdul Latif University, LUMHS Jamshoro, Sindh Madarsatul Islam University Karachi, and SMBBMU Larkana Medical University, have consistently included all BPS-17 and above administrative officers in their respective voter lists. Further, statutory definitions provided in the Gazette of Pakistan dated 03.04.2025 clarify that the term “Officer” includes all government servants holding BPS-17 or above, while “Official” refers from BPS-1 to 16. However, the University of Sindh’s revised budget book (2024–2025) also categorizes Computer Programmers as officers under the administrative side. Per petitioners, despite this, the Registrar, acting with apparent mala fide intent, reduced the number of valid voters to 45, relying on outdated pay scales and excluding petitioners and other eligible administrative officers. It is submitted that this exclusion is arbitrary and inconsistent with previous elections and statutory provisions. Moreover, the University Syndicate, in its 37th

meeting held on 10.04.2025, recognized that all employees in BPS-17 and above should be considered officers for electoral purposes. Various committee members, including Prof. **Emeritus** Dr. Muhammad Siddique Kalhoro, Dr. Ghulam Nabi Shah, and Mr. Asif Ali G. Kazi, emphasized that all BPS-17 and above administrative officers must be included in the voter list. Petitioners submitted that a Photocopy of extra officers list in the voter list issued on 19.11.2025, which was neither approved by the Syndicate nor is in accordance with NPS 1975, except for Serial Nos. 8 & 9 included by Court order, Table of administrative posts of officers BPS-17 to BPS-20 from the Sindh University Code Book 2013, reflecting budgeted positions. Circular dated 03.07.2019 issued by the then Registrar, confirming that all non-teaching officers working/drawing salaries in BPS-17 and above with minimum two years' of regular service are eligible to contest Syndicate seat and to vote. In view of the foregoing, the petitioners request this Court to Direct Respondents 2 & 3 to issue corrected voter list including all administrative officers in BPS-17 and above, thereby enabling them to cast their votes in the forthcoming Syndicate election and direct the respondents to conduct fair, transparent elections based on the updated and accurate voter list.

3. Counsel for respondent university opposed the petition without filing comments.
4. After hearing the arguments of learned counsel for the petitioners as well as respondents, and upon perusal of record, this Court is of the tentative view that the petitioners, *prima facie* are serving in administrative capacities at University of Sindh in BPS-17 and above, have a statutory and constitutional right to participate in the election of one administrative officer to the Syndicate, as provided under the Sindh Universities and Institutes Laws (Amendment) Act, 2018 (Sindh Act No. XV of 2018). The petitioners have established that the voter list prepared by the University, which includes only 45 officers, is incomplete, and based on outdated National Pay Scale (NPS) 1975, whereas the Basic Pay Scale (BPS) 1983 and the University's revised budget book (2024–2025) recognize all officers in BPS-17 and above as eligible for the subject post. The exclusion of petitioners and other eligible officers from the voter list amounts to violation of their constitutional rights under Articles 4 of the Constitution, prior judicial directions, and settled principles of natural justice. The respondents have failed to provide any valid legal justification for reducing the number of eligible voters, and comparable practices in other universities in Sindh further substantiate the petitioners' claim. It is imperative to ensure that the election is conducted in fair, transparent, and lawful manner, respecting the rights of all eligible officers to contest and vote.
5. In the circumstances, the competent authority of respondents is directed to prepare and issue corrected and comprehensive voter list, including all administrative officers in BPS-17 and above, in accordance with law and applicable statutory provisions. The petitioners, along with all other eligible officers, shall be entitled to participate in the

election, both as voters and as candidates, without any restriction. However, the results of the election of those candidates/voters shall be counted separately in sealed envelopes and withheld with respect to any candidates who may subsequently seek inclusion in the voter list after the announcement of election schedule, until a final decision is rendered by this Court on such claims/and counterclaims. The University shall conduct the election of administrative officer to the Syndicate strictly based on the revised voter list, ensuring that the process is free, fair, and transparent. Any action by the respondents contrary to this direction shall be null and void. The aforementioned exercise shall be undertaken within one month.

6. Accordingly, this petition is disposed of in the above terms, ensuring full compliance with statutory and constitutional requirements. Office to fix this matter for further order just after the election result is announced, subject to the aforementioned annology.

JUDGE

JUDGE

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