

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS.**

C.P No.D-580 of 2025

[Ms Sarwat Jutt vs. Province of Sindh & others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE RIAZAT ALI SAHAR

Mr. Abdul Hafiz Mari, advocate for the petitioner.

Mr. Muhammad Sharif Solangi, Assistant A.G Sindh, along with Altaf Hussain, Deputy Director Colleges, on behalf of respondent No.4, and Abdul Rasheed, focal person on behalf of A.G. Sindh Karachi.

Date of hearing & decision: 03.12.2025.

ADNAN-UL-KARIM MEMON J.- Through this petition, the petitioner has prayed as under: -

- a. Restrained not issuing the promotion posting order BS-19 without adopting the due course of law till the final decision.
- b. Issue the direction and cancel the notification No.SOIII(SGA&CD) 7-2/ 2005 issued on dated 21.08.2025.
- c. Issue the direction to Respondent Nos 1 to 4 to issue the fresh Seniority list for Bs-19 and name of petitioner consideration as a senior from Respondent Nos 5 to 10 on per per-appointment basis.

2. The case of the petitioner is that she joined service in the year 2002 in BPS-16 and subsequently on acquiring Master's degree in 2003; she was awarded BPS-17 from the date of acquiring master Decree; that vide notification dated 29th November 2021 she was promoted to BS-18 as Senior Director Physical Education and at present, she is serving in Ibn-e-Rushd Girls College, Mirpurkhas; that Private Respondents 5 to 10 are junior to her; that on 15.6.2010, the Government of Sindh, Education and Literacy Department issued seniority list for Director Physical Education BPS-17, Female College Side in which the petitioner's name appeared at serial No.19, while the names of Respondents 5 to 10 appeared at serial Nos. 20, 21, 26, 28, 31, and 32 respectively, indicating that all these respondents were juniors to the petitioner. Similarly, 28.09.2018, seniority list was issued in which petitioner name was listed at serial No. 15 while Respondents 5 to 10 were below her, confirming their junior status. On 9.6.2021 the seniority list was issued in which petitioner's name was at serial No.14 while Respondents 5 to 10 were again listed below her; however, in the provisional seniority list issued on

26.06.2024 the petitioner was placed at serial No.18, while Respondents 5 to 10 were listed at serial Nos. 23, 24, 4, 5, 16, and 17 respectively, which incorrectly placed some juniors above the petitioner. Furthermore, in the final seniority list of Senior Director Physical Education BPS-18, Female College Side, as of 12.06.2025 (issued on 27-06-2025, No. SO(HR-VI)/Pro-Sen-List/Sr DPE/BS-18(F)/2025), the petitioner's name appeared at serial No. 18, while Respondents 5 to 10 were listed at serial Nos. 12, 13, 14, 15, 16, and 17, placing all juniors above the petitioner. She submitted that recently, the Government of Sindh, Service General Administration and Coordination Department issued Notification No. SOIII(SGA&CD) 7-2/2025 on 21.08.2025, promoting Respondents 5 to 10 to BPS-19, while the petitioner's name was inexplicably omitted. The petitioner became aware of this violation of her rights shortly after issuance of the notification. Despite raising the matter with Respondents 1 to 4, no satisfactory response was provided, and the petitioner fears that the officials may issue offer/ joining letters for BPS-19 to the juniors in violation of her rightful seniority.

3. Learned counsel for the petitioner submitted that the petitioner's seniority has wrongly been recorded in the final seniority list, placing juniors above her despite her longer service and earlier appointment; that the promotion notification for BPS-19 has violated the petitioner's rights by omitting her name; that there is a likelihood of private respondents being promoted in violation of petitioner's seniority, which necessitates immediate intervention. He prayed to allow the petition.

4. Learned AAG submitted that the College Education Department had submitted the working papers of the petitioner along with those of her batchmates, namely Respondents 5 to 10, to the Provincial Selection Board-II for consideration of promotion from Senior Director Physical Education to the post of Chief Director Physical Education BPS-19. However, the petitioner's promotion was considered against a future vacancy. Subsequently, her promotion to the post of Chief Director Physical Education (BPS-19) has been duly notified on 9th September 2025, vide SGA&CD Notification No. SOIII(SGA&CD)7-2/2025 dated 09th September 2025. In view of the above, he argued that the purpose of the petitioner's prayer has already been fulfilled. He therefore prayed that this Court to dismiss the instant petition.

5. After hearing the parties and perusal of record, it is noted that the petitioner's promotion to the post of Chief Director Physical Education (BPS-19) has now been notified on 9th September 2025, vide SGA&CD Notification No. SOIII(SGA&CD)7-2/2025. Accordingly, the main grievance regarding the promotion has been resolved. However, this Court noted that the petitioner's

seniority, as recorded in the final seniority list, has not been reflected accurately, with juniors previously placed above her despite her longer service and earlier appointment. In the interest of justice and to prevent any future disputes, the competent authority is directed to ensure that the petitioner's name is placed in the seniority list in accordance with her original seniority, as per her date of appointment and service record, without any discrimination, in accordance with law and rules.

6. With the above observation, the petition stands disposed of.

JUDGE

JUDGE

Karar_Hussain/PS*