

HIGH COURT OF SINDH CIRCUIT COURT, MIRPURKHAS

C.P No.D-693 of 2025

[Vinod Kumar vs. Province of Sindh and Others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Mr. Sandeep Kumar, advocate for petitioner(s)

Mr. Muhammad Sharif Solangi, Assistant A.G Sindh along with DHO Mirpurkhas (Dr. Sandeep Kumar) and ADC-II MPK (Faisal Ali Soomro)

Date of hearing & decision: 19.11.2025

ORDER

ADNAN-UL-KARIM MEMON J.- The petitioner prays that this Court to:-

a. Direct the Respondents to issue Appointment Letter to the petitioner for the post of Sanitary Worker BPS 01 in the Health Department, Government of Sindh, on the Minority Quota for which he was issued an Offer of Appointment.

b. Direct the Respondent to issue Appointment Letter to the petitioner for any ministerial post in Lower Grade under BPS 01 to 04 already Reserved Quota for Minority as per Qualification.

c. Direct the Respondents to ensure that the Government Policy with regard to the appointment on Minority Quota will be abided by them, and the request of the petitioner will be considered in accordance with the law.

2. In 2023, the Government of Sindh announced various posts (BPS-01 to BPS-04) through Advertisement No. INF/KRY No. 1619/2023 dated 30-04-2023 and 01-05-2023, published in *Daily Kawish Hyderabad* and *Roznama Jang*, for walk-in interviews under reserved quotas for minorities, differently-abled persons, and women. The petitioner, a member of a minority community, applied and attended the interview for a post under the 5% minority quota in the Health Department at District Headquarter Hospital, Mirpurkhas. The District Selection Committee (DSC) Mirpurkhas recommended his appointment, and the competent authority issued an offer letter for the post of Sanitary Worker (BPS-01) vide Offer Letter No. DHO/MPS/E-II/(HR)/678-683 dated 04-08-2023. The petitioner completed

all formalities, including submission of medical fitness, domicile, Form-D, educational certificates, and acceptance affidavit, but Respondent No.4 allegedly refused to issue the appointment letter without explanation, infringing his constitutional rights to equality and equal opportunity under Article 199. The petitioner sought a direction from the Court to issue the appointment letter.

3. The learned AAG submitted that although the petitioner was recommended, the issuance of offer and appointment letters was halted due to Civil Suit No. 1564/2023 filed by Muttahida Qaumi Movement challenging recruitment for BPS-01 to BPS-04 posts. In compliance with Court directions and SGA&CD instructions (Letter No. SOV(SGA&CD) 8-27/2019 dated 10-08-2023, the DSC Mirpurkhas recruitment was kept in abeyance. Further, the Court's order dated 29-06-2024 declared appointments through the contested advertisements null and void and prohibited walk-in recruitment, mandating adherence to Sindh Civil Servants Rules, urban-rural quotas, and Sindh Permanent Residence Certificate Rules. He additionally submitted that, the Provincial Cabinet in its meeting on 11-08-2023, imposed a ban upon all recruitments except via Sindh Public Service Commission, the deceased quota or internationally funded projects. The learned AAG requested that this Court consider these legal constraints and dismiss the petition accordingly.

4. After hearing the parties and perusing the record, it is observed that the petitioner was duly recommended by the District Selection Committee and issued an offer letter for the post of Sanitary Worker (BPS-01) under the Minority Quota in the Health Department, Government of Sindh was issued to him on 4.8.2023. The petitioner completed all codal formalities including Medical Certificate required for issuance of the appointment letter. However, the respondents withheld the appointment order.

5. The objections raised by the respondents regarding pending legal proceedings in Civil Suit No. 1564/2023 vide order dated 9.8.2023 after issuance of offer letter and the subsequent ban on recruitments, do not affect the vested right of the petitioner, which arose upon issuance of offer letter on 4.8.2023. This Court is of the view that an offer of appointment, once accepted and complied with all requisite formalities including Medical Certificate, creates a legal right in favor of the candidate that cannot be

denied without lawful justification. The reasons assigned by the respondents are not sufficient to withdraw the appointment order.

6. Accordingly, the respondents are directed to issue formal appointment letter to the petitioner for the post of Sanitary Worker (BPS-01) in the Health Department, Government of Sindh, under the Minority Quota forthwith, and to ensure compliance with the government policy regarding appointments on minority quota in terms of offer order.

7. This petition is disposed of in accordance with the above directions.

A copy of this order shall be communicated to the Secretary, Health Department, Government of Sindh, for immediate compliance; in the event of non-compliance, he shall be proceeded against under Article 204 of the Constitution without any further notice.

JUDGE

JUDGE

Karar_Hussain/PS*