

Order Sheet

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D- 690 of 2025
[Faisal Imran and others v. Government of Sindh & others]

Before :

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

Petitioners : Through Barrister Jawad Ahmed Qureshi, Advocate

Mr. Ghulam Mohiuddin, Advocate for Respondent

Mr. Rafiq Ahmed Dahri, Asstt: A.G., along with
DEO Es&Hs Badin & Naveed Ahmed AEO,
Farooque Ahmed Junejo, Litigation Officer, Director
School Education Hyderabad.

Date of Hearing
& Decision: 11.11.2025

ORDER

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

- A. Set aside the order dated 22.04.2025 passed by the respondent No.5.
- B. Declare the tentative seniority list dated 14.02.2024 and the final seniority list dated 31.10.2024 illegal and void insofar as they place the petitioners below their junior teachers.
- C. Direct the respondents to revise the seniority list, placing the petitioners as per Rule 9 of the Sindi: Civil Servants (Probation, Confirmation, and Seniority) Rules, 1975, based on their promotion to HST in 2020.
- D. Direct the respondents to consider the petitioners for promotion to HM (BPS-17) based on their corrected seniority and eligibility.
- E. Grant interim relief by restraining the respondents from making further promotions based on the impugned seniority lists until the disposal of this petition.

2. Petitioners' counsel state that the petitioners were appointed as JSTs on 25.06.2014 and promoted as HSTs on 03.12.2020 in District Badin. On 14.02.2024, respondent No.6 issued a tentative seniority list under Rule 9 of the

Sindh Civil Servants (Probation, Confirmation & Seniority) Rules, 1975, wherein the petitioners were placed below their juniors. He contends that this placement violates Rule 10(1) of the rules supra, which mandates that seniority be reckoned from the date of regular appointment. He emphasized that the persons placed above them were regularized in 2021 and thus cannot claim seniority, as affirmed in *Vice Chancellor Agriculture University Peshawar v. Muhammad Shafiq* (2024 SCMR 527). Petitioners' counsel further submitted that the Petitioners filed objections on 29.02.2024, but respondents Nos 1 to 3 finalized the seniority list without hearing them. Being aggrieved, they filed the present constitutional petition for the aforesaid relief.

3. In response, learned A.A.G., assisted by the learned counsel for the respondents, filed comments on behalf of respondent No.5 (Director School Education, Hyderabad Region), stating that the petitioners were given a hearing, their objections were rejected, and the seniority lists dated 14.02.2024 and 17.02.2024 were declared valid; that HST Sajida Parveen was appointed through a test conducted in 2005 and regularized later, was rightly placed in seniority list as per Rules 10(1) and 13 of the 1975 Rules, and was recommended for promotion as Head Mistress (BPS-17). Lastly learned A.A.G. prayed for dismissal of the petition.

4. After hearing the parties and perusing the record, it is noted that the competent authority considered the petitioners' objections, provided them an opportunity of hearing, and finalized the seniority list in accordance with Sindh Civil Servants (Probation, Confirmation & Seniority) Rules, 1975. As per Notification No. SO(S-1)10-274/2014(P-11), dated 15.01.2021, the post of Head Master/Head Mistress BPS-17 is to be filled 40% by direct recruitment, 58% by promotion from School Teachers BPS-16, and 2% among Sindhi Language Teachers BPS-16 on a seniority-cum-fitness basis. Accordingly, 10 male and 12 female High School Teachers BPS-16 were eligible for promotion in District Badin. The senior-most eligible teachers, along with their affidavits, were placed before the Departmental Promotion Committee (DPC) for consideration.

5. The petitioners were promoted HST (BPS-16) on 03.12.2020, objected to the tentative seniority list dated 14.02.2024, claiming junior candidates regularized in 2021 were placed above them. Despite pending objections, the DPC working paper was issued on 17.12.2024, and subsequent objections, personal hearing requests, and recall requests were either not entertained or

dismissed. According to the seniority list dated 31.10.2024, the petitioners were ranked 384 out of 514, below the last promoted at 178.

6. Prima facie, teachers recruited through IQRA University in 2013 were regularized in 2021. As per Rule 10(1) of the Sindh Civil Servants Rules, seniority is reckoned from the date of regularization. However, the procedural delays in their regularization did not affect the correctness of their seniority. Besides teachers appointed through NTS test regularized in 2018 prima facie cannot claim seniority over the teachers appointed through IQRA University test, and seniority protection and promotion were correctly granted under Rule 13. No financial benefits / arrears were affected; only pay fixation was applied.

7. In such circumstances, the actions of Education Department are consistent with law, Rules, and administrative fairness. Seniority was correctly applied, and the petitioners' claims of being superseded are not valid. No illegality or violation of said Rules has been pointed out to claim a vested right on the seniority. However, if the petitioners' cause still subsists, they can approach the learned Sindh Service Tribunal and the observation recorded herein will not come in their way, which is tentative in nature.

8. The petitioners have failed to make out a case for interference in constitutional jurisdiction under Article 199 of the Constitution.

9. Accordingly, the petition stands dismissed along with pending applications, if any, leaving the petitioners to avail their remedy as per law.

JUDGE

JUDGE

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