

ORDER SHEET

HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

C.P No.D-84 of 2026

| DATE | ORDER WITH SIGNATURE OF JUDGE(S) |
|-------------|-----------------------------------------|
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1. For orders on M.A No.239/2026 (U/A)
2. For orders on office objection (s)
3. For orders on M.A No.240/2026 (Exemption)
4. For orders on M.A No.241/2026
5. For hearing of main case

28.01.2026

Mr.Afzal Karim Virk, Advocate for the petitioner

The petitioners, a group of teachers serving under the School Education & Literacy Department, have invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution, calling into question their transfer orders issued pursuant to the STR policy dated 01.10.2025. They assert that the impugned transfers are tainted with arbitrariness, disregard of policy and non-consideration of their individual hardships.

2. Learned counsel submits that the petitioners have been uprooted from their existing postings without any lawful justification and in complete violation of the Transfer & Posting Policy, 2021. It is argued that several petitioners suffer from medical conditions duly supported by record, yet their cases were ignored. Counsel further contends that many of the schools to which the petitioners have been transferred are either non-viable, closed, without buildings, or lacking basic facilities, which demonstrates that the exercise of transfer was carried out mechanically and for extraneous considerations. It is also urged that the Grievance Redressal Committee, instead of deciding their individual cases on merits, issued a general order,

thereby frustrating the very purpose of its constitution. Learned counsel maintains that the petitioners have no other adequate remedy and that the impugned action violates their fundamental rights, warranting interference by this Court.

3. We have considered the submissions advanced at the bar and examined the material placed before us.

4. The core relief sought by the petitioners pertains to the setting aside of their transfer and posting orders and a direction to allow them to continue at their previous stations. The entire controversy revolves around terms and conditions of service of civil servants, including transfer, posting, and related grievances. Such matters fall squarely within the exclusive domain of the fora established under the Sindh Civil Servants (Appeal) Rules and the jurisdiction of the Sindh Service Tribunal.

5. Article 212 of the Constitution expressly bars this Court from exercising jurisdiction in matters relating to terms and conditions of service where a statutory forum exists. The transfer and posting of government servants is a service matter and constitutional jurisdiction cannot be invoked merely on allegations of hardship, inconvenience or alleged violation of policy, unless the action is shown to be coram non judice or without lawful authority. No such exceptional circumstance has been demonstrated in the present case.

6. The petitioners have an efficacious statutory remedy before the competent service forum, where all factual controversies, including medical hardship, viability of schools and alleged deviation from policy can be

examined through proper evidence. This Court, in its constitutional jurisdiction, cannot undertake such factual inquiries nor substitute its view for that of the competent administrative authority.

7. The mere fact that a Grievance Redressal Committee was constituted does not confer jurisdiction upon this Court to bypass the constitutional bar. Even if the Committee has not decided the petitioners' representations to their satisfaction, the appropriate remedy remains before the Service Tribunal. The petitioners cannot circumvent the statutory scheme by invoking Article 199.

8. For the foregoing reasons, the petition is **dismissed** as being barred under Article 212 of the Constitution of the Islamic Republic of Pakistan along with listed applications. The petitioners, however, shall be at liberty to avail their appropriate statutory remedy before the competent forum, if so advised.

JUDGE

JUDGE