

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D – 5643 of 2025
(Zeeshan Ali & others versus Province of Sindh & another)

Date	Order with signature of Judge
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Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and order: 15.09.2026

M/s. Saulat Rizvi and Mehdi Shah, Advocates for the Petitioner.
Mr. Allah Ditto Khoso, Litigation Officer SE & LD.
Mr. Ali Safdar Depar, AAG.

ORDER

Adnan-ul-Karim Memon, J. Petitioners have filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following relief: -

“a. Hold and declare that the Petitioners being Primary School Teachers are entitled to be considered for the promotion to the post of High School Teachers as has been done by the Respondents (Annexure I - I/11 refer) and their such denial under the garb of Notification dated 15.11.2022 is misconceived, misleading, illegal, malafide, arbitrary, coram non judice and discriminatory.

b. Hold and declare that the petitioners 2, 3 and 4 are entitled to be allowed Time Scale Upgradation to BPS-16 as they have rendered required service for promotion as prescribed under the law but the same has been abnormally delayed.

c. Direct the respondents to consider the Petitioners being Primary School Teachers for the post of High School Teacher BPS-15/16 from the date they have allowed promotions to their colleagues (Annexure I - I/11 refer)”

2. The case of the petitioners is that they are serving as Primary School Teachers (PSTs) under the School Education & Literacy Department, Government of Sindh, and have rendered several years of service without promotion. Petitioner No.1 was appointed in 2014, Petitioner No.2 in 2001, Petitioner No.3 in 2011, Petitioner No.4 in 2010 and Petitioner No.5 in 2015. The petitioners submit that under the Recruitment Rules of 1986 and 1993, PSTs had a channel of promotion to Junior School Teacher (JST) BPS-14 and thereafter to High School Teacher BPS-15/16. Under the Recruitment Rules dated 14.10.2014 and 14.03.2018, 25% quota was provided for promotion of PSTs to JEST BPS-14, subject to prescribed qualifications and service. The Rules dated 15.01.2021 again provided a 50% promotion quota for PSTs to JEST BPS-14 and a 20% quota for promotion to SST BPS-16. According to the petitioners, however, by Notification dated 08.03.2022, the promotional quota for PSTs to JEST BPS-14 was abolished and the post was made subject to initial appointment, while the 20% quota for PSTs to SST BPS-16 remained. They contend that this created an anomaly

whereby PSTs were denied promotion to BPS-14 but were nevertheless eligible for promotion to BPS-16.

3. The learned counsel for the petitioners contend that despite the alleged absence of a proper promotional channel, several similarly placed PSTs/JESTs were promoted as High School Teachers under the earlier Recruitment Rules through various notifications issued between 2023 and 2025, whereas the petitioners were denied similar treatment. They therefore allege discriminatory and unequal treatment. It is submitted that they were granted time-scale upgradation to BPS-14 only as a financial benefit, which cannot be treated as promotion, and that Petitioners No.2 to 4, having rendered long service, are also entitled to further time-scale upgradation to BPS-16. On these grounds, the petitioners seek consideration for promotion as High School Teachers BPS-15/16 from the dates their similarly placed colleagues were promoted and claim entitlement to time-scale upgradation to BPS-16, besides challenging the application of the 2022 notification to their detriment. He prayed to allow this petition.

4. Learned AAG, without filing comments contended that the petition is misconceived, based on an erroneous interpretation of the Recruitment Rules. It was submitted that the petitioners have no vested or accrued right to claim promotion merely on the basis of their length of service or promotion of other employees, as promotion is subject to the applicable Recruitment Rules, availability of vacancies, prescribed qualifications, seniority and other statutory conditions. The petitioners' reliance upon the earlier Recruitment Rules, availability of vacancies, prescribed qualification, seniority and other statutory conditions. He added that the petitioners' reliance upon the earlier Recruitment Rules is misplaced, as the competent authority subsequently amended the promotional structure and, through Notification dated 08.03.2022, abolished the promotion quota for PSTs to JEST BPS-14 and made the post subject to initial appointment; therefore, the petitioners cannot claim promotion under a superseded or altered scheme of service. It was further submitted that the time-scale granted to the petitioners is a financial/upgradation benefit and does not confer a right to promotion to a higher post, nor can such time-scale be treated as a substitute for a regular promotional appointment. The promotion quota available for SST BPS-16, where applicable, is also subject to the conditions prescribed under the relevant rules and cannot be claimed as an automatic consequence of service in the PST cadre. He added that the purported promotion of certain employees under earlier notifications does not establish discrimination, particularly where such promotions were made under the rules and circumstances prevailing at the relevant time, and the petitioners cannot seek parity on the basis of an erroneous or irregular grant of benefit to others. It was accordingly argued that no violation of Articles 4 or 25 of the Constitution is made out, the petitioners have failed to identify any enforceable statutory right to the claimed promotions or time-scale, and no direction can be issued by this Court contrary to the prevailing

Recruitment Rules; hence, the petition, being devoid of merit, is liable to be dismissed.

5. We have heard the learned counsel for the parties and perused the record with their assistance

6. In view of the foregoing, the petitioners have failed to demonstrate any vested or accrued right to promotion merely on the basis of their length of service, previous promotional practice, or the promotion of other employees, as promotion to a higher post is governed by the Recruitment Rules in force, availability of vacancies, prescribed qualifications, seniority and other statutory requirements.

7. The Notification dated 08.03.2022, having altered the promotional structure by abolishing the promotion quota for PSTs to JEST BPS-14 and making the post subject to initial appointment, the petitioners cannot claim promotion through a channel which no longer exists under the prevailing rules, nor can this Court create or restore a promotional avenue contrary to the applicable statutory framework. Likewise, grant of time-scale/upgradation is a financial benefit and does not amount to regular promotion or confer an automatic right to appointment against a higher post, and any entitlement to BPS-16 must independently satisfy the conditions of the relevant rules.

8. The purported promotion of other employees under earlier rules or circumstances also does, by itself, established needs to be discrimination and if the case of the Petitioners fall within the category of discrimination as discussed supra, it is for the competent authority to decide the issue without discrimination by speaking order, upon appeals by the Petitioners within three (03) weeks.

9. In the absence of a clear statutory right, subject to discrimination is as, or any jurisdictional defect in the impugned action, the relief sought by the petitioners is not concerned under Article 199 of the Constitution subject to Article 25 of the Constitution, if established during hearing of appeal by the competent authority, accordingly, the petition is disposed of in the above terms.

JUDGE

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