HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1290 of 2020
[Sajjad Nawaz vs. Province of Sindh and others]

Before:
JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	In person
Respondents:	By Mr. Rafique Ahmed Dahri Additional A.G Sindh a/w Law Officer, Education Department (Zulfiquar Ali)
Date of hearing	27.10.2026
Date of Decision	27.10.2026

O R D E R

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ADNAN-UL-KARIM MEMON J The petitioner applied for the post of Junior Elementary School Teacher (JEST) pursuant to the advertisement and claimed to have secured 60 marks in the STS test, subsequently reflected as 50 marks, and stood at Sr. No. 4 in the result of Taluka Manjhand. He alleged that despite fulfilling the eligibility criteria and belonging to Taluka Manjhand, he was not issued an offer order due to ambiguity regarding his taluka. He sought directions for his appointment as JEST.

2. Learned A.A.G contended that the petitioner at the time of applying for the post had submitted his Domicile and PRC of Taluka Kotri, issued in 2010. He obtained 50 marks and was ineligible for appointment against the Taluka Kotri vacancies, where the last selected male candidate secured 61 marks. STS Sukkur mistakenly reflected his result against Taluka Manjhand. Subsequently, after the announcement of the result, the petitioner obtained a revised Domicile and PRC of Taluka Manjhand on 23.04.2019, after the prescribed cut-off date of 20.04.2018, which the Department declined to accept. The AAG further submitted that the petitioner had already been appointed as PST at GBPS Arzi Khoso, Taluka Manjhand, District Jamshoro, vide order dated 25.05.2022. He prayed for dismissal of the petition.

3. Having heard the petitioner, who appears in person, and learned Additional Advocate General, and having examined the available record, it appears that the respondents have declined to consider the petitioner's candidature for the post of Junior Elementary School Teacher (JEST) primarily on the ground that his revised

Domicile and PRC of Taluka Manjhand were issued on 23.04.2019, after the prescribed cut-off date of 20.04.2018. However, the question requiring determination is not merely whether the documents were issued after the cut-off date, but whether they created a new claim of residence or corrected an existing error in the official record. The distinction is material, as a subsequent document correcting an existing factual position cannot automatically be equated with the acquisition of a new qualification after the prescribed date.

4. The respondents' contention that the petitioner originally submitted Domicile and PRC of Taluka Kotri, issued in 2010, cannot be accepted as conclusive without examining the contemporaneous record, including his CNIC, birth certificate, educational documents, scrutiny record and the relevant proceedings of the Department.

5. The official correspondence of the Education Department prima facie shows that the petitioner's candidature was deferred by the DPC on the ground that the revised documents had been issued after the cut-off date, notwithstanding the entries indicating earlier issuance of domicile and PRC for Taluka Manjhand. The Grievance Redressal Committee, in its meeting held on 09.07.2020, referred the matter to the Department for clarification. Accordingly, the Directorate sought guidance from the Department as to whether the candidate could be considered for appointment on the basis of revised domicile and PRC issued after the cut-off date.

6. The petitioner submitted that his CNIC, primary school certificate, birth certificate and IBA test result establish his permanent residence in Village Lakha, Taluka Manjhand, District Jamshoro. He further relied upon the scrutiny record dated 20.05.2019, DPC circular dated 23.07.2019, the Director's letter dated 18.08.2020 seeking departmental clarification, and the DPC report identifying him at Serial No. 04 for Taluka Manjhand. He also relied upon departmental notifications granting relaxation regarding the cut-off date for submission of domicile, PRC Form-D and other relevant documents, contending that he was eligible for appointment as JEST against the vacancies of Taluka Manjhand. These documents, if verified and found consistent, may establish that the petitioner was already a resident of Village Lakha, Taluka Manjhand, and that the subsequent issuance of revised documents merely corrected the earlier particulars. The respondents were, therefore, required to determine the matter objectively on the basis of the original record rather than reject his candidature solely on the date of issuance of the revised certificates.

7. The Department itself acknowledged the petitioner's claim of residence in Taluka Manjhand by issuing an appointment order dated 25.05.2022, appointing him as Primary School Teacher (PST) BPS-14 and posting him at UC Lakha, Taluka Manjhand, District Jamshoro. Thus, the appointment order reflects the

Department's acceptance of his candidature for a teaching post against the said locality; however, in a lower post, not as Elementary School Teacher.

8. The reliance placed by the learned Additional Advocate General on the petitioner's securing 50 marks, as opposed to his claim of 60 marks, also requires verification from the original record maintained by STS. Nevertheless, this discrepancy cannot, by itself, resolve the separate question of his territorial eligibility. Similarly, the assertion that STS mistakenly reflected his name in the merit list of Taluka Manjhand must be supported by the original test result, recruitment data and relevant official correspondence. An allegation of an administrative error, without proper verification of the underlying record, cannot constitute a sufficient basis for depriving a candidate of lawful consideration.

9. The principle enunciated by the Hon'ble Supreme Court in Jehanzaib Malik v. Balochistan Public Procurement Regulatory Authority (2018 SCMR 414) is also relevant to the limited extent that a distinction must be maintained between the date on which a qualification or fact existed and the date on which its formal documentary evidence was issued. However, the said judgment does not dispense with compliance with the prescribed eligibility conditions; its applicability depends upon whether the petitioner can establish that his residence in Taluka Manjhand existed before the cut-off date and that the subsequent certificates merely corrected the earlier record.

10. Furthermore, the appointment order dated 25.05.2022, whereby the petitioner was appointed as Primary School Teacher (PST) and posted at UC Lakha, Taluka Manjhand, District Jamshoro, lends support to his assertion regarding his connection with the said locality. Although appointment to the post of PST does not confer an automatic or vested right to appointment as JEST, it is a relevant circumstance that the respondents were required to consider alongside the other contemporaneous evidence. The petitioner's placement at Serial No. 4 in the Taluka Manjhand result likewise does not, by itself, guarantee appointment, but it strengthens his claim to fair and lawful consideration if his territorial eligibility and merit position are duly established.

11. It is a settled principle that inclusion in a merit list does not create an indefeasible right to appointment; nevertheless, a candidate who satisfies the prescribed criteria is entitled to fair, transparent and non-arbitrary consideration in accordance with the applicable recruitment policy. The respondents cannot rely exclusively upon the late issuance or submission of revised documents without determining whether the underlying fact of residence existed before the cut-off date, whether the earlier particulars resulted from a genuine clerical error, and whether the applicable recruitment rules permitted correction or late production of supporting documents. Any relaxation or concession must, of course, be supported

by the applicable rules, policy or lawful departmental instructions and applied consistently to similarly situated candidates.

12. Prima facie verification of the original recruitment record establishes that the petitioner was a resident of Taluka Manjhand before the cut-off date and that the revised Domicile and PRC merely corrected an existing error, his candidature could not lawfully be rejected solely because the corrected documents were issued on 23.04.2019. The respondents' objection regarding the date of issuance would then be insufficient, without more, to defeat his claim.

13. For these reasons, the respondents' decision, insofar as it rests solely upon the late issuance of the revised Domicile and PRC without a reasoned determination of the contemporaneous record, cannot be sustained. The petitioner's claim deserves consideration in accordance with the applicable recruitment rules, his verified merit position and the relevant territorial quota. Subject to confirmation that he fulfilled all eligibility requirements and fell within the zone of selection, the competent authority shall extend the consequential benefit of appointment as JEST in accordance with law.

14. Resultantly, the petition is allowed to the extent stated above, and the respondents are directed to verify the original record and decide the petitioner's claim for appointment as JEST through a reasoned order in accordance with law within one month. If his eligibility and entitlement to selection are established, the consequential appointment order shall be issued accordingly.

JUDGE

JUDGE

Karar_Hussain/PS*