IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P.No.D-1923 of 2026

[Dr. Amjad Hussain Mastoi, v. Province of Sindh and others]

Before:
Justice Adnan-ul-Karim Memon
Justice Muhammad Jaffar Raza

Petitioner(s)	:	By Mr. Barrister Jawad Ahmed Qureshi, Advocate alongwith his Associate Munawar Saeed.
Respondents/University	:	By Mr. Masood Rasool Babar Memon, Advocate alongwith Imran Illahi Sahito, Law Officer LUMHS Jamshoro.
Government of Sindh	:	By Mr. Rafique Ahmed Dahri, Additional Additional Advocate General.
Date of Hearing	:	28.10.2026
Date of Decision	:	28.10.2026.

O R D E R

ADNAN-UL-KARIM MEMON J:- Petitioner Dr. Amjad Hussain Mastoi has filed this constitutional petition under Article 199 of the Constitution, seeking following relief(s):-

a. *Declare the impugned Notification bearing No. SOI(H)A-940/2008/(23) dated 27.08.2026 and the subsequent Notification bearing No. SOI(H)1-102/15 dated 31.08.2026 as illegal, arbitrary, without lawful authority, and of no legal effect, and consequently set aside the same.*

b. *Direct the Respondents to restore the Petitioner to the post of Medical Superintendent, DHQ Hospital, Dadu, in accordance with the law, applicable rules, and the terms of the Memorandum dated 11.04.2023.*

c. *Restrain the Respondents from giving effect to the impugned Notifications and from disturbing or interfering with the Petitioner's lawful posting as Medical Superintendent, DHQ Hospital, Dadu, except strictly in accordance with the law and the prescribed procedure;*

d. *Grant any other relief deemed just and proper in the circumstances of the case.*

2. The petitioner, Dr. Amjad Hussain Mastoi has challenged the Notifications dated 27.08.2026 and 31.08.2026 regarding the posting / additional charge of Medical Superintendent, DHQ Hospital, Dadu, contending that the action

was taken without the prior recommendation of the Vice Chancellor, LUMHS, in violation of the Memorandum dated 11.04.2023.

3. The respondent Nos.3 and 4 confirmed the requirement of such consultation. Consequently, he submits that without touching the merits of the case, the petition needs to be disposed of with directions to the Government of Sindh to allow the petitioner to continue as Medical Superintendent, of District Headquarter Hospital Dadu, until a regular appointment is made in consultation with respondent No.3.

4. Learned A.A.G. has initially opposed this petition on the premise that petitioner is a civil servant and cannot approach this court under Article 199 of the Constitution. However, when confronted with the legal position of the case with regard to transfer and posting of Medical Superintendent of District Headquarter Hospitals in consultation with the competent authority of LUMHS Jamshoro, he in principle agreed on the analogy that this issue needs to be decided by the competent authority. The request seems to be reasonable.

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

6. The impugned notification prima facie show that the petitioner has been transferred to report to Health Department without adherence to clause 2.5(vi) of the MoU which provides the posting of Medical Superintendent or other related transfer and posting of the doctors / technical staff of district Headquarter Hospital Dadu to be made on the recommendation of Vice Chancellor of LUMHS Jamshoro which factum has been confirmed by the counsel for respondent Nos. 3 and 4 in terms of MoU. In such circumstances, we deem it appropriate to keep the impugned notification dated 27.8.2026 in abeyance till the competent authority decides the appointment of regular Medical Superintendent of District Headquarter Hospital Dadu in line with sub clause 2.5(vi) of the Memorandum dated 11.4.2023. In the intervening period, petitioner shall continue to hold the post of Medical Superintendent of District Headquarter Hospital Dadu, subject to all just exceptions as provided under the law.

7. Without touching the merits of the case, this petition is disposed of in the above terms.

A copy of the order shall be communicated to all concerned for immediate compliance.

JUDGE

JUDGE

Karar_Hussain/PS*