IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P.No.D-3399 of 2018

[Asif Ali v. Province of Sindh and others]

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

Petitioner(s)	:	By Mr. Ghulam Mustafa Abbasi, Advocate.
Government of Sindh	:	By Mr. Rafique Ahmed Dahri, Additional Advocate General, Sindh.
Date of Hearing	:	30.10.2026
Date of Decision	:	30.10.2026.

O R D E R

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ADNAN-UL-KARIM MEMON J:- Petitioner, Asif Ali, has filed this constitutional petition seeking appointment against a suitable post in consideration of his land allegedly provided to the Government for construction of a Primary School in 1992, compensation under the Land Acquisition Act, and restraint against further construction until his claim was accommodated.

3. Learned counsel contended that the petitioner had donated 10 Vesa of his land in Survey No.196, Deh Norpur, Taluka Manjhand, for establishment of a Government Primary School against an assurance of employment, which was never fulfilled.

4. Learned AAG opposed the petition, relying upon the judgment of Supreme Court in the Long Khan Rajper v. Government of Sindh (Civil Appeals Nos.19-K to 50-K), holding that an agreement to provide public employment in consideration of land transfer is void and unenforceable under Section 23 of the Contract Act. He further submitted that the sanctioned post of Chowkidar was already occupied and that the School Education Department had discontinued consideration of land-donation cases pursuant to Supreme Court's directions.

5. In view of the foregoing, the petitioner has failed to establish any enforceable legal right to claim public employment in consideration of the alleged transfer of land to the Government.

6. Even if the land was provided on the assurance of employment, such an arrangement would amount to an impermissible exchange for a public office, contrary to public policy and void under Section 23 of the Contract Act, 1872, as authoritatively settled by the Supreme Court in Long Khan Rajper v. Government of Sindh and others. Public employment must be governed by the prescribed recruitment rules, merit and constitutional requirements, and cannot be claimed as a matter of right on the basis of an alleged private assurance. Moreover, the petitioner has neither established entitlement to compensation under the Land Acquisition Act through any lawful acquisition proceedings nor demonstrated that the respondents are occupying the land in violation of an enforceable legal right.

7. The sanctioned post of Chowkidar is also stated to be already occupied, while the departmental policy regarding land-donation cases stands discontinued pursuant to the Supreme Court's directions. Consequently, no illegality, arbitrariness or violation of any fundamental or statutory right warranting interference under Article 199 of the Constitution has been established.

8. The petition, being devoid of merit and any enforceable legal foundation, is accordingly dismissed.

JUDGE

JUDGE

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