

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Before:

Justice Arbab Ali Hakro

Justice Muhammad Jaffer Raza

C.P No.D-357 of 2026

[Waqar Ali and 04 others v. Province of Sindh and 10 others]

Petitioners by : Mr. Mir Muhammad Nohri, Advocate.

Respondents by : Mr. Muhammad Shareef Solangi, Assistant
A.G Sindh.

Date of Hearing : **13.05.2026**

Date of Decision : **13.05.2026**

ORDER

ARBAB ALI HAKRO J:- Through the instant petition, the petitioners seek direction to the respondents to issue appointment and posting orders in their favour pursuant to the offer letters issued after their recommendation by the District Selection Committee, Sanghar, for appointment to a post in BPS-01 to BPS-04.

2. The petitioners assert that they were duly interviewed by the District Selection Committee, Sanghar, for various non-technical posts in BPS-01 to BPS-04, were recommended by the Committee and were thereafter issued formal offer letters by the competent authorities of their respective departments. They contend that despite the issuance of such offer letters, the respondents have withheld the consequential appointment and joining orders without lawful justification, thereby infringing their vested rights and violating the constitutional guarantees of equality, non-discrimination and fair treatment.

3. The contents of the instant petition reveals that the petitioners applied pursuant to advertisements issued under the Recruitment Policy 2023, appeared before the District Selection Committee, were recommended, and

were issued offer letters for posts such as Naib Qasid, Chowkidar, Lab Attendant, Driver, Livestock Attendant, and Aya/Helper. The petitioners approached the concerned offices for joining, but were informed that the process had been halted due to the stay order passed in Suit No.1564/2023.

4. The Deputy Commissioner, Sanghar, in his written statement, acknowledges that the DSC recommended the petitioners and that offer letters were issued. He refers to the stay order dated 09.08.2023, passed in C.P No.D-1564/2023, and to the meeting of 09.08.2023, wherein earlier recommendations were rescinded. However, he also admits that in the subsequent meeting dated 11.08.2023, the decision to rescind was itself treated as revoked, and all departments were directed to withdraw cancellation orders and compile verified records for submission before the Court.

5. The respondents have further placed reliance on the Provincial Cabinet decision dated 01.12.2025, which unequivocally lifts the ban on appointments in BPS-01 to BPS-04, extends the validity of DSC minutes until 30.06.2026, and authorises the issuance of offer letters where complete and verified records exist.

6. None of the respondents has alleged any irregularity, fraud, misrepresentation or disqualification attributable to the petitioners. Their defence rests solely on the earlier stay order and the administrative confusion arising from the interim suspension of recruitment.

7. Heard arguments. Record perused.

8. The documentary record leaves no room for doubt that the petitioners were duly interviewed, recommended by the DSC and issued formal offer letters by the competent authorities. The offer letters are not provisional expressions of intent; they constitute formal administrative decisions that create enforceable rights, subject only to the completion of codal formalities, such as medical fitness and document verification.

9. The only impediment cited by the respondents is the stay order dated 09.08.2023. However, the petitioners' offer letters were issued prior to the stay order. A judicial restraint order cannot retrospectively extinguish rights already crystallised.

10. Provincial Cabinet decision dated 01.12.2025 removes any remaining administrative ambiguity. The Cabinet has expressly lifted the ban on appointments in BPS-01 to BPS-04, extended the validity of DSC minutes until 30.06.2026 and authorised the issuance of offer letters where complete and verified records exist. The respondents have not alleged that the petitioners' records are incomplete or unverified.

11. The respondents' inaction, therefore, constitutes failure to exercise jurisdiction vested in them, is arbitrary and violates Articles 4, 18, and 25 of the Constitution. The petitioners' legitimate expectation, founded upon formal offer letters, cannot be frustrated without lawful justification.

12. For the foregoing reasons, the petition is **allowed**. The respondents are directed to process the petitioners' appointments strictly in accordance with law, complete all remaining codal formalities, including medical fitness and verification of documents and, subject to fulfilment of such formalities, issue appointment and posting orders to the petitioners in terms of their respective offer letters. The entire exercise shall be completed within sixty (60) days from the date of this order. Nothing in this order shall be construed as dispensing with any statutory requirement or verification mandated under the applicable recruitment rules.

JUDGE

JUDGE

Faisal