

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

1. C.P. No.D-391 of 2010.
2. C.P. No.D-828 of 2010.

DATE

ORDER WITH SIGNATURE OF JUDGE

02.11.2016.

Mr. Pervez Tarique Tagar, Advocate for petitioners.

Mr. Ashfaque Nabi Qazi, Assistant A.G.

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At the outset, learned counsel for the petitioners, *inter alia*, contends that petitioners applied for various teaching posts in Education Department; such test was held by Sindh University Jamshoro in 2008. Petitioners succeeded in getting more than 60% marks; however, they were put on waiting list and subsequently another announcement / publication was made in 2012 and test for recruitment of teaching posts was conducted through NTS and petitioners were deprived.

2. In contra, learned A.A.G. while relying upon the policy between Donor and Institution, contends that there were certain criterions with regard to recruitment of teachers, were to be made while keeping in mind that there was a rider by the Donor Agency that test shall be conducted by an institution / department of good repute and in order to improve the education standard in Province other tests were also put by the Donor, hence posts of teaching staff were created on need basis within the respective Union Councils; cases of the petitioners were examined and they remained unsuccessful candidates as per criterion, therefore, they were not issued appointment orders.

2. Heard and perused the record.

3. Issue pertains to year 2008; test was conducted by Sindh University Jamshoro; thereafter, other recruitment process was initiated in 2012, but petitioners failed to appear in that recruitment process and are claiming appointment on the basis that they were put on waiting list. It is material to insist here that a *mere* enlistment of one in 'waiting list' or passing the test

with *minimum* marks shall not necessarily earn him a right particularly in matter(s) of '*jobs*' because same are to be filled on basis of '**order of merit**'.

Further, it is worth to add here that as per policy, Donor Agency supervised the appointment process and criterion was also given and MOU was signed, wherein except marks there were other credentials and additional marks as well. Recruitment process, if, is allowed to confine for *one* time it shall result in closing the doors shut upon those earn *qualification* subsequently, therefore, placement of name(s) in *waiting* list is not tenable. Further, it is not the case of the petitioners that they were prevented from appearing in subsequently announced recruitment despite *having* requisite qualification. Therefore, we find no substance in the instant petition which *otherwise* pertain to a past and closed transaction, hence both petitions are dismissed alongwith listed applications.

JUDGE

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