

Order Sheet  
**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD**

CP No. D- 552 of 2015

---

DATE	ORDER WITH SIGNATURE OF JUDGE
25.10.2018	

---

Muhammad Hashim father of Petitioner is present

-.-.-.-.-

Initially the application of the Petitioner was received in this Court through post which was converted into the instant Constitutional Petition and report was called from District Education Officer, Matiari. The gist of the application is that the Petitioner moved application to Chief Minister, Sindh for her appointment as Naib Qasid in lieu of donation of plot of land for constructing and running Government Girls Primary School at district Matiari. The said application was forwarded by Chief Minister Sindh to the concerned authorities, but according to the Petitioner, District Education Officer, Matiari, is not paying any heed to her application.

2. On notice, District Education Officer, District Matiari filed Report dated 21.3.2015, whereby he submitted that the Petitioner did not submit any document / file so that her grievance could be redressed as per Plot Donor Recruitment Policy.

3. Arguments heard and record perused.

4. The issue relating to appointment in government job in lieu of donation of plot for construction and running of school building has already been decided in number of petitions by following the dicta laid down by the Hon'ble Supreme Court in Civil Appeal Nos.19-K to 50-K of 2015.

5. The principle that has been expounded and is to be followed after a close examination of these decisions and particularly that of the Honourable Supreme Court, is, that a public office even that of naib qasid, a peon or a sanitary worker cannot be a consideration in lieu of any plot donation or any other transaction. Usually in such cases the Petitioner(s) rely upon representations of the government department to the effect that if a land is donated for construction of school, then family member(s) of the plot donor could be considered for job.

In present petition, from the brief comments / reply filed by District Education Officer (district Matiari), it appears that, there is some Plot Donor

Recruitment Policy exists in the Government of Sindh. Any such policy, it is clarified, is illegal and should be abolished forthwith.

6. The above view finds support from another reported judgment of Honourable Supreme Court - 1997 SCMR 855 (*Hameedullah and 9 others v. Headmistress, Government Girls School, Chokara, District Karak and 5 others*), which was followed in the above referred subsequent decision of Honourable Apex Court; Civil Appeal Nos.19-K to 50-K of 2015. In one of the petitions, being C.P. No. D-28 of 2011, earlier decided by a learned Division Bench at Sukkur, the petitioner has appended a letter from the government department (respondent No.1), to support his contention that in consideration of donation of plot, the donor is entitled to recommend his family member for a government job. It was held, that the said correspondence of 06.01.2009, in the light of the above judicial pronouncement, has no sanctity in the eyes of law and is void *ab initio*, being against the public policy and is adversely affected by Section 23 of the Contract Act, 1872.

7. Before parting with this order, it is necessary to observe that job opportunity to the petitioner will not be refused simply on account of this decision, but her case can be assessed and examined by the government officials in accordance with the present rules and recruitment policy as well as on merits, but obviously, without considering the fact of plot donation, if at all the Petitioner applies for a job. Similarly, as also already held in the earlier referred decision of this Court pronounced by the learned Division Bench, that for a claim of compensation or mesne profits, the petitioner can avail the remedy provided under the law and if a jurisdiction of competent forum / authority or Court is invoked, then the cases of such persons / petitioners would be decided accordingly and strictly within the parameters of law.

8. The upshot of the above is that the above constitutional petition is devoid of merits and is accordingly dismissed, with no order as to costs.

Copy of this Order be sent to learned Additional Advocate General for his information and communicating to Government Departments, particularly, Education Department for implementation.

JUDGE

JUDGE