

**IN THE HIGH COURT OF SINDH,**  
CIRCUIT COURT HYDERABAD  
C.P.D-2408 of 2019

**BEFORE:** Mr. Justice Nadeem Akhtar  
Mr. Justice Adnan-ul-Karim Memon

Date of hearing & decision 29.10.2019

Petitioner: Jalal Khan through Mr. Hussain Bux Mari, Advocate for whom Mr. Ghulam Shabir Mari Advocate is holding brief

**ORDER**

**ADNAN-UL-KARIM MEMON J:** Prima-facie the Petitioner claims entitlement to appointment on the basis of transfer of a piece of land admeasuring 01-30 acres out of survey Nos.311 and 312 situated in Deh 03-Dim, Tapo Jhol, Taluka Sinjhor, District Sanghar to the Government of Sindh, Public Health Department, for the purpose of construction of storage Water Tank of village Ghundan, Taluka Sinjhor, District Sanghar; upon refusal to provide job on the aforesaid premise, the petitioner has approached this Court and seeks directions to Respondents No.2 to 5 to award compensation / benefits of the subject land.

2. The controversy involved in the present proceedings is as to whether in lieu of providing land for the purpose of construction of storage water tank of village Ghundan, its owner can claim appointment of one nominee from his side in any of the Government post as of legal right enforceable under the law?

3. Basically, the appointment is to be based on merits and if on merits the donor or his nominee is at par with other candidates, only then preference can be given to him. In view of the above, the donor or his nominee is not vested with any right to claim any post in Government Department.

4. The above aspect of the case has elaborately been discussed / dealt with by the Honourable Apex Court in the case of Hameedullah and 9 others vs. Head Mistress, Government Girls School, Chokara (1997 SCMR 855). The Honourable

Supreme Court has held that a job to the Petitioners cannot be given in lieu of a piece of land which amounts to sale of job, thus, are against the public policy.

5. As per pleadings of the petitioner in which he has tried to convince this Court that the commitment made by the Respondents ought to be enforced as the Respondents have retained a piece of land of the Petitioner without any justification under the law.

6. We have carefully considered this aspect of the case in the light of ratio of judgment in the case of Hameedullah and 9 others (supra) and are of the considered view that it is applicable with full force to the facts of the present case.

7. Prima facie, the reasons assigned by the petitioner in his pleadings are not justified, thus, does not call for further action on our part, however, we may observe that a piece of land which was given by the Petitioner's father for the purpose of construction of storage water tank of village Ghundan, Taluka Sinjhor, District Sanghar, if any which is being claimed by the Petitioner through the captioned petition cannot be entertained at this stage more particularly in writ jurisdiction and it is for the Petitioner to take an appropriate remedy as provided under the law.

8. In the view of the forgoing, this petition is found to be misconceived, thus is dismissed in limine along with pending application(s)

JUDGE

JUDGE

*\*Fahad Memon\**