

**HIGH COURT OF SINDH, CIRCUIT COURT AT  
HYDERABAD**

C.P No.D-944 of 2016

[*Mst. Bano versus Province of Sindh & Others*]

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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**Present:**

**Mr. Justice Adnan-ul-Karim Memon  
Mr. Justice Adnan Iqbal Chaudhry**

Petitioner : Through Mr. Muhammad Sachal R. Awan advocate

Official respondents : Through Mr. Allah Bachayo Soomro, Additional Advocate General Sindh

Private respondent: None present

Date of hearing : 21.10.2021

Date of Decision : 21.10.2021

**J U D G M E N T**

**ADNAN-UL-KARIM MEMON, J** :- By means of this petition, the petitioner has called into question the appointment of respondent No.6 as Junior School Teacher (JST) on the ground that she does not belong to Union Council Patt Gul Muhammad Taluka Johi District Dadu.

2. Background of the case, as narrated in the memo of petition, is that the Education and Literacy Department Government of Sindh announced jobs of Junior School Teachers (subject posts henceforth) in various newspapers; the appointment of successful candidates was to be made based on the availability of vacant post(s) in Union Council concerned; petitioner applied for the subject post based on Domicile and PRC of Union Council Patt Gul Muhammad Taluka Johi District Dadu and subsequently qualified the test conducted by third party i.e. respondent No.5; however, respondent No.6 was appointed against the subject post who, as alleged, did not belong to above Union Council, hence this petition.

3. We have scanned the record and found the contention of the Petitioner untenable, in view of the Teachers Recruitment Policy 2012 and material produced before us, and on the basis, we have concluded that the Petitioner applied for the aforesaid post from UC Patt Gul Muhammad wherein the last candidate secured 64 marks plus 20 gender marks total

score 84 whereas petitioner obtained 60 marks plus 20 gender marks total score 80 and as per record there was only one vacancy occurred for the post of JST.

4. Reverting to the second plea of the Petitioner that she belonged to UC Patt Gul Muhammad Taluka Johi District Dadu whereas the private respondent did not belong to UC Patt Gul Muhammad. The learned A.A.G. has refuted the claim of the petitioner and relied upon the statement dated 21.10.2012 filed today with documents to show that the private respondent belonged to UC Patt Gul Muhammad Taluka Johi. At this stage, the parties are leveling allegations and counter-allegations against each other, in our view, we have limited jurisdiction to dilate upon the allegations and counter-allegations.

5. We have considered the facts and circumstances of the case. It is important to discuss the right of the petitioner to be appointed as JST as agitated by her. We have noted that the action of respondents against the petitioner does not impinge on the petitioner's fundamental and statutory right. We are of the considered view that even a successful candidate does not acquire an indefeasible right to be appointed and that it could be legitimately denied. The public notice inviting application for the appointment has been held only to be an invitation to the qualified candidates to apply for an appointment. On his mere applying or selection, he does not acquire any right to the post.

6. The material placed before this Court explicitly shows that the respondents considered her case on the aforesaid pleas and rejected vide with certain reasoning and we are not in a position to say for and against the documents attached with the memo of the petition and on this scope alone this petition fails on the ground of disputed question of facts.

7. In view of the foregoing, the Constitutional Petition in hand is dismissed along with the pending application(s).

**JUDGE**

**JUDGE**