

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP. No. D- 849 of 2022

Date Order with Signature(s) of Judge(s)

Fresh Case

1. For order on Misc No.3939/2022
2. For order on office objection no.04
3. For order on Misc No. 3940/2022
4. For order on Misc No. 3941/2022
5. For hearing of main case

16.02.2022

Mr. Afroz Haq, advocate for the petitioner.

1. Urgency granted.
2. Deferred for the time being.
3. Granted subject to all just legal exceptions.
- 4-5. The petitioner has filed this petition under Article 199 of the Constitution, wherein she has challenged the notification dated 10.01.2022, in respect of her posting and transfer order as Professor (BS-20), Sir Syed Government Girls College, Nazimabad, Karachi, against an existing vacancy on the ground, *inter alia*, that the impugned notification may be set aside for the reason that it is causing harm in the smooth functioning of the college where she is serving as she has enormous teaching experience of 32 years. Learned counsel for the petitioner has contended that petitioner has served as Principal in the Government College of Home Economics Karachi, for about 06 months, however, she has been abruptly dislodged from the present posting, without looking into the fact that she has experience of 32 years and imparting education to the students without discrimination. Besides that, she is also enjoying the powers of Drawing and Disbursing Officer. Per learned counsel, presently there are two vacant positions in the same college, and her transfer order may be modified to the extent of two vacancy positions in the said college.

We asked the learned counsel to satisfy this Court concerning the maintainability of the instant petition, because of the bar contained under Article 212 of the Constitution which ousts the jurisdiction of this Court in respect of the matters about terms and conditions of Civil Servants. Learned counsel for the petitioner has replied to the query that the petitioner is only requesting for her adjustment in the same college against two vacant seats lying in BPS-20 and that will not hamper the working of government functionary, therefore, her request to that extent may be considered. Learned counsel further submitted that her grievance is a simple one and shall not cause any harm to any other officer, therefore, this modification in the impugned notification dated 10.1.2022 may be ordered to be made.

To appreciate the contentions of the petitioner to the extent of prayer clause (d) of the memo of the petition, let notice be issued to the respondents as well as AAG for **24.02.2022**. In the meanwhile, if the petitioner is not relieved from the present posting, her posting may not be disturbed.

JUDGE

JUDGE