

ORDER SHEET  
**IN THE HIGH COURT OF SINDH KARACHI**

**Constitutional Petition No. D –5818 of 2014**  
*(Abdul Nasir v. The Province of Sindh and 05 others)*

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Date order with signature of Judge(s)

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Priority

1. For hearing of CMA No.3117/2014
2. For hearing of main case

**14.03.2022**

Mr. Muneer Ahmed, advocate for the petitioner  
Mr. Ali Safdar Depar, AAG Sindh along with Abdul Jabbar Shahani, Focal Person,  
SELD

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Petitioner seeks appointment as Primary School Teacher (PST) (BS-09) in Union Council Kandiaro, district Nashahro Feroz, inter alia, on the ground that he applied for the post of PST (BS-09) based on Graduation, which was to be filled on a contract basis for three years, vide public notice published by the Education & Literacy Department, Government of Sindh in the year 2012. Petitioner has averred that he is a resident of Union Council Kandiaro (Urban) Taluka Kandiaro, District Naushahro Feroze, and qualified the criteria as outlined in the advertisement. Petitioner has averred that he submitted the prescribed application for the subject post and after scrutiny of the documents, testimonials, and completion of all codal formalities, he was shortlisted and passed the NTS with 88 scores. Per petitioner, he has secured the highest test score and falls under the ranking of the top three candidates of the subject Union Council level, however, due to apathy of respondents, in his place another candidate was accommodated, who obtained lesser marks than the petitioner and he was left in the lurch since 2012.

We asked the learned counsel for the petitioner that sufficient time has already elapsed and the subject post was on contract for three years in terms of advertisement, which period has also expired, then how he maintains this petition.

Mr. Muneer Ahmed, learned counsel for the petitioner, has contended that the petitioner has the sound academic qualification and secured 88 scores in the written test conducted by NTS, which is sufficient ground for him to seek appointment as PST; that the petitioner has been treated unfairly and discriminatively by respondents No.4 to 6 while appointing all candidates except petitioner, this shows unethical, irresponsible, illegal behavior and attitude of respondents which is against the norms

of justice and the Constitution; that the denial of appointment as PST violates his rights guaranteed under Article 4,9,14,18, 25(1) and 38 of the Constitution of the Islamic Republic of Pakistan, 1973. He further submitted that this court vide order dated 18.11.2014 reserved one seat of PST.

We put another query to him that as per his version he applied for the subject post based on his graduation certificate, whereas the cut-off date in the advertisement is 20.05.2012 and he obtained B.A Pass Certificate on 28.02.2013 after the cut-off date. Secondly, he obtained 3<sup>rd</sup> Division in the Intermediate, whereas the requirement is 2<sup>nd</sup> Division. He replied that the candidate who was appointed obtained 86 marks who was just Intermediate, whereas he is graduate, therefore, he ought to have been recommended for the subject post. Be that as it may, at this stage, Mr. Ali Safdar Depar, AAG Sindh, has intervened and submitted that in principle petitioner needs to be considered for the subject post that he has secured the highest marks in the subject test as the candidate who secured fewer marks than the petitioner has been accommodated based on the second division in Intermediate Examination.

In view of the statement made hereinabove by the learned AAG, this petition is disposed of in terms whereby the Secretary Education and Literacy Department, Government of Sindh, is directed to look into the matter and examine the case of the petitioner and if he is found fit having requisite qualification for the subject post, issue appointment order to him for the post of Primary School Teacher within three weeks positively. If the concerned Secretary disagrees with the aforesaid proposition, he may pass a speaking order after providing a meaningful hearing to the petitioner.

Let a copy of this order be transmitted to the Secretary, Education and Literacy Department of the Government of Sindh, for compliance.

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Nadir/\*