

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

BEFORE:  
Mr. Justice Muhammad Shafi Siddiqui  
Mr. Justice Zulfiqar Ahmad Khan

C.P. No.D-885 of 2015

Nazia Munsif  
Versus  
Province of Sindh & others

Date	Order with signature of Judge
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1. For hearing of Misc. No.15887/18
2. For hearing of Misc. No.4156/15
3. For hearing of main case

**Dated: 17.12.2019**

Mr. Tariq Hussain for petitioner.  
Mr. Shaharyar Mehar, Assistant Advocate General.  
Mr. Altaf Hussain for respondent No.4.

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**Muhammad Shafi Siddiqui, J.**- Through instant petition, petitioner seeks her appointment as primary school teacher on regular basis against the vacant post.

We have heard the learned counsel and perused material available on record.

This petition is not filed on the basis of any fresh advertisement that concerns with the appointment of primary school teachers. Petitioner's counsel has pointed out that in the earlier set of litigation petitioner filed CP No.D-1032 of 2012, which was dismissed by a common order, dismissing other identical petitions as well, on the ground of laches. The order was assailed before Hon'ble Supreme Court in Civil Petition No.121-K of 2013 where after hearing the petitioner, the

Advocate General Sindh stated that he will make efforts to accommodate the petitioner for her appointment as teacher.

Perhaps when the efforts of A.G. were not materialized, petitioner filed Criminal Original Petition No.20-K of 2013. The order dated 17.12.2013 reflects that she was not accommodated on merit as according to merit list she was at number 3 at UC level and at 26 at Taluka level respectively and hence she could not be accommodated as there was no vacancy whereas the Additional Secretary, present on that date, has also made a statement that he would make efforts to accommodate petitioner on temporary job in any school. Said order dated 17.12.2013 in the aforesaid Criminal Original Petition No.20-K of 2013 is reproduced as under:-

*“Dr. Jamal-ud-Din, Additional Secretary, Education Department, Government of Sindh, Karachi, says that as per the concise statement filed by the department, the petitioner was No.3 on the merit list at US level and No.26 at Taluka level and hence she could not be accommodated, as there is no vacancy in the UC and only 5 vacancies in Taluka. On the other hand, he says that he will make every effort to accommodate the petitioner on a temporary job in any school in Karachi.”*

*2. In the circumstances, this petition is disposed of in terms of the statement made by the Additional Secretary today.”*

Another Criminal Original Petition No.7-K of 2014 was also filed by petitioner, which was heard on 02.05.2014 and following order was passed:-

*“Today the petitioner has placed on record a letter received from Government of Sindh, Education and Literacy Department to the Chairman Education Foundation Karachi requesting him/her to adjust the petitioner as a teacher on temporary basis per the last Order of this Court. However, the petitioner says that so far she has not received any appointment letter.*

*In the circumstances of the case, we have directed Mr. M. Jamil Khan, O.S.D., Litigation, Education Department, present in Court, to inquire into the matter*

*and do the needful within one week. The case is adjourned to 08.05.2014.”*

Above order was followed by yet another order passed on 08.05.2014 in the aforesaid Criminal Original Petition No.7-K of 2014.

The same is reproduced as under:-

*“The offer letter for Malir Town issued to the petitioner is withdrawn.*

*Mr. Zakir Ali Shah states that the petitioner shall be accommodated as School Teacher in S.M.B Fatima Jinnah which is located in Saddar Town and this will be done by Monday. The offer letter shall be passed on to the Additional Advocate General who in turn will pass it to the petitioner.*

*Petition is disposed of.”*

Consequently a contract of employment was executed which expired on 30.06.2014 followed by an extension till 23.09.2014. Thus, all that was agreed to was to accommodate petitioner on temporary basis in terms of order dated 02.05.2014 in Cr. Original Petition No.7-K of 2014. The order passed in Civil Petition No.121-K of 2013 is also complied as contractual employment was offered, which was accepted by petitioner and she did not press the petition on the statement of the Advocate General Sindh followed by orders passed in Criminal Original Petitions, as referred above.

We have also noted that petitioner never qualified on merit and that there is no fresh advertisement for recruitment of primary school teacher where petitioner could be considered and/or accommodated, provided she fulfills all codel formalities. In the circumstances, petition merits no consideration and is accordingly dismissed along with listed applications. However, in case any fresh advertisement is made, the case of the petitioner may be considered.

Dated:

Judge

Judge