

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP D 7554 & 7807 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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CP D 7554 of 2022

1. For hearing of CMA No. 32042/2022
2. For hearing of main case

CP D 7807 of 2022

1. For order on office objection
2. For hearing of CMA No. 33070/2022
3. For hearing of main case

06.04.2023

Mr. Imtiaz Ali Solangi, advocate for the petitioners.

The petitioners, 877 in the first petition and 469 in the second petition, claim to have been recruited on a temporary / contractual basis and seek their regularization in service and in addition thereto seek for notifications dated 11.08.2022 and 30.11.2022 issued by the Government of Sindh School Education & Literacy Department (“Impugned Notifications”) to be struck down.

Per petitioners’ learned counsel, no document demonstrating the engagement of any petitioner or the terms of any such engagement has been placed on record. The counsel also submitted that there is nothing on the record to demonstrate the subsistence of engagement of any petitioner. Last but not least, the service agreements, referred to in the Impugned Notifications wherein employment (upon terms contemplated therein) was offered, are stated to not have been entered into by any of the petitioners.

The petitioners counsel has remained unable to demonstrate any existing relationship between the parties. *Admittedly*, the record is also silent as to whether any of the petitioners were ever engaged by the respondent. The Supreme Court has maintained in *Khushal Khan*¹ that the High Court lacked jurisdiction to revive, amend or alter contracts; there was no vested right to seek regularization in the absence of any legal and statutory basis for the same; and that temporary employees had no automatic right to be regularized unless the same has specifically been provided for in a law. A Division Bench of this Court has held in *Anjum Badar*² that such employees had no vested right for regular appointment or even to seek regularization of their services, hence, were debarred from invoking the Constitutional jurisdiction of this Court. The law is now well settled that such employees are devoid of any generic entitlement for regularization³. Petitioners’ counsel has been unable to identify any specific law conferring any right upon the petitioners to be considered for regularization⁴.

¹ Per *Ijaz ul Ahsan J* in *Khushal Khan Khattak University & Others vs. Jabran Ali Khan & Others* reported as 2021 SCMR 977.

² Per *Nadeem Akhtar J* in *Anjum Badar vs. Province of Sindh & Others* reported as PLD 2021 Sindh 328.

³ Per *Ijaz ul Ahsan J* in *Govt of KPK vs. Jawad Ali & Others* reported as 2021 SCMR 185; Per *Mansoor Ali Shah J* in *Province of Punjab vs. Dr. Javed Iqbal* reported as 2021 SCMR 767; Per

In so far as the Impugned Notifications are concerned, *prima facie* the same offered engagement of services upon terms therein contained and proffered a draft agreement to be executed by qualified entities, subject to the requisite verification and scrutiny. No infirmity in terms of the form and substance of the instruments under scrutiny could be identified before us. Furthermore, while the petitioners remained at liberty to abjure the employment contemplated vide the Impugned Notifications, no *locus standi* could be set forth before us to confer any right thereupon to impeach the relevant employment being offered to qualified persons.

In view hereof, no case has been set forth before us to merit the invocation of the discretionary⁵ writ jurisdiction of this Court; hence, these petitions and listed applications are hereby dismissed.

J U D G E

J U D G E

Ijaz ul Ahsan J in *Owais Shams Durrani vs. Vice Chancellor Bacha Khan University* reported as 2020 SCMR 2041; Per *Miangul Hassan Aurangzeb J* in *First Womens Bank vs. Muhammad Tayyab* reported as 2020 PLC (C.S.) 86.

⁴ Per *Ijaz ul Ahsan J* in *Govt of KPK Welfare Board vs. Raheel Ali Gohar & Others* reported as 2020 SCMR 2068;

⁵ Per *Ijaz Ul Ahsan J.* in *Syed Iqbal Hussain Shah Gillani vs. PBC & Others* reported as 2021 SCMR 425; *Muhammad Fiaz Khan vs. Ajmer Khan & Another* reported as 2010 SCMR 105.