

ORDER SHEET
THE HIGH COURT OF SINDH, KARACHI

CP No.D-1832 2023

Date	Order with signature of Judge(s)
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1. For order on Misc. No.9010/2023
2. For order on office objection No.12 & 18
3. For order on Misc. No.9011/2023
4. For order on Misc. No.9012/2023
5. For hearing of main case.

11.04.2023

Mr. Sanaullah Soomro, advocate for the petitioners

1. Granted. 2. Granted, subject to all just exceptions. 3 & 4. The petitioners claim to have been engaged on a temporary / contractual basis and seek extension of service contracts, as contemplated vide notification dated 11.08.2022 issued by the Government of Sindh School Education & Literacy Department (“Impugned Notification”).

Per petitioners’ learned counsel, no appointment / subsisting contract, demonstrating the tenancy of engagement of any petitioner, has been placed on record. Suffice to state that no contract is available on record in respect whereof the extension is sought.

The Supreme Court has maintained in *Khushal Khan*¹ that the High Court lacked jurisdiction to revive, amend or alter contracts. 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.

In so far as the Impugned Notification is concerned, *prima facie* the same offered engagement of services upon terms therein contained, subject to the requisite verification and scrutiny. No infirmity in terms of the form and substance of the instrument under scrutiny could be identified before us. While the petitioners remained at liberty to seek employment, if qualified, contemplated vide the Impugned Notification, no case is set forth before us to consider setting the entire recruitment process at naught.

Article 199 of the Constitution contemplates the discretionary³ writ jurisdiction of this Court and the said discretion *may* be exercised in appropriate circumstances. In the present matter no case has been set forth before us for invocation of the writ jurisdiction. In view hereof, this petition and listed application are hereby dismissed in *limine*.

JUDGE

JUDGE

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 *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.