

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Constitution Petition No. D-1556 of 2021**  
*( Gulshan Ali & others Vs. Province of Sindh & others)*

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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**Before;**

*Adnan-ul-Karim Memon, J;*  
*Muhammad Abdur Rahman, J;*

**Date of hearing and order: 29-05-2024.**

Mr. Riaz Hussain Khaskheli, advocate for the petitioners.  
Mr. Ali Raza Baloch, Assistant A.G, Sindh along with Munwar  
Ali Mithani MD STEVTA Karachi.

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**ORDER.**

**Adnan-ul-Karim Memon J:-** The Managing Director Sindh Technical Education and Vocational Training Authority (STEVTA) has filed report in respect of appointment orders of the petitioners with the narration that process of recruitment on the subject post reserved for differently-abled quota, was initiated by the District Recruitment Committee (DRC) Khairpur and not by STEVTA, which is a autonomous authority having its own Rules of service. He added that when the subject process was initiated, the Government College of Technology Khairpur (GCT) was not in existence at the time of recommendation of the petitioners by DRC in the year 2019 and the status of such college was later-on upgraded to Benazir Bhutto University of Technology and Skills Development Khairpur Mirs, through Act of Parliament in the year 2016; and the respondent-University is now a Public Sector University, as such the petitioners cannot be accommodated on any of the ground due to peculiar facts and circumstances of the case in hand.

The learned counsel for the petitioners has refuted the stand of the MD STEVTA and submitted that the Chief Minister Sindh has already approved the Summary on 15-07-2021 and the names of the petitioners are appearing at Sr. No.50, 51, 53, 54 and 57 of the summary

as such the respondent-STEVT/ or respondent University cannot deny the offer of appointment to the petitioners reserved for differently-abled quota, which has protection of the order of Supreme Court as such this is contemptuous act on the part of the respondents. Be that as it may, this issue can be resolved by the competent authority without delay. In our view this is hardly a ground to non-suit the petitioners as the applications for appointment on subject quota were invited and duly recommended by the District Recruitment Committee for scrutiny and consideration, subsequently their cases were sent up to the Chief Minister Sindh for approval, which Summary was approved accordingly; however, the respondent-STEVT has taken the plea that Government College of Technology Khairpur has been converted into University under the Act of 2016 as such this is beyond their power and authority under STEVT Rules 2012 to accommodate the petitioners in the University or STEVT under the law. Be that as it may, we are not in a position to dilate upon such analogy, at this stage, as put forward by the MD STEVT, as the case of the petitioners is required to be duly considered by the competent authority of the respondents in terms of the Order dated 14-07-2022 of Supreme Court rendered in CPLA No. 745-K to 750-K and Summary approved by the Chief Minister Sindh, which needs to be implemented forthwith and respondents cannot sit over the decision of Chief Executive of the Province. Consequently the appointment letters shall be issued to the petitioners forthwith against posts on which they were recommended, either in STEVT or respondent-University as they have already been declared successful candidates and their candidatures have been approved by the Chief Minister of Sindh.

The instant petition is disposed of in terms of the order dated 14-07-2022 passed by the Supreme Court in CPLA No. 745-K to 750-K and Summary approved by the Chief Minister Sindh on 15-07-2021.

**Judge**

**Judge**

Nasim/P.A