

**IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS**

Constitutional Petition No. D-699 of 2024
(*Ahsan Ali Vs P.O Sindh and others*)

DATE	ORDER WITH SIGNATURE OF JUDGE (S)
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Date of hearing and Order: 19.08.2024.

Mr. Mir Ali Bux Talpur advocate for the petitioner

Mr. Ayaz Ali Rajpar Additional A.G., Sindh a/w Ali Khan Narejo Deputy
DEO (ES/HS) Mirpurkhas

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ORDER

Adnan-ul-Karim Memon, J. Through this constitutional petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, Petitioner Ahsan Ali prays for direction to respondents No.3, 5, and 6 to allow him to join the service as Junior Clerk at Government Girls High School Tando Jan Muhammad, District Mirpurkhas in terms of office order dated 05-04-2024 issued by respondent No.1, which has not yet been enforced due to lethargic attitude of the respondents.

2. Counsel for the petitioner contended that the appointment of the petitioner is legal, valid, and lawful, hence he cannot be refused to join the service as Junior Clerk in BPS-11 in the office of Government Girls High Court Tando Jan Muhammad, District Mirpurkhas and non-allowing joining report without lawful justification is illegal; therefore, such office order dated 05-04-2024 issued by the Secretary School Education and Literacy Department, Government of Sindh, may be enforced.

3. Learned AAG submits that one Razik Dino Jarwar Junior Clerk had filed a Constitutional Petition No.D-3200 of 2022 before this court against his frequent transfer orders from one place to another place. He further submitted that his petition was disposed of on 4-11-2022 on the undertaking of the DEO (ES&HS) Mirpurkhas that the petitioner Razik Dino would not be frequently transferred in such a way and by consent the said petition was disposed of. He added that due to the undertaking given by respondent No.5, the petitioner is not being allowed to join his

duties at Government Girls High School Tando Jan Muhammad; therefore at this stage, the petitioner cannot be posted on the same post, when already one Junior Clerk is working.

4. We have given our thoughtful consideration to the entire matter and have perused pleadings available on record with the adept assistance of learned counsel for the parties.

5. In view of the above legal position of the case, we find the petitioner entitled to relief of the posting; however, it is for the competent authority to re-consider his case, if the post at the particular School is lying vacant and he be posted accordingly without fail.

6. Accordingly, the petition is disposed of as a result whereof the office order dated 05-04-2024 issued by respondent No.1 needs to be either modified or be implemented if the post of Junior Clerk is lying vacant at Government Girls High School Tando Jan Muhammad. However, in case there is no post lying vacant at the particular School, he may be adjusted accordingly without delay.

JUDGE

JUDGE

Ali Sher