

# IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Constitution Petition No.D-1052 of 2024  
(*Sandhia Kumari Vs. Province of Sindh & others*)

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**DATE**      **ORDER WITH SIGNATURE OF JUDGE**

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Before;  
Adnan-ul-Karim Memon, J  
Amjad Ali Bohio, J

Date of hearing & Order 09.09.2024

Mr. Shankar Meghwar, advocate for the petitioner  
Mr. Muhammad Sharif Solangi, Assistant A.G Sindh along with  
Tarique Randhawa, Law Officer, on behalf of respondents.

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## ORDER

Adnan-ul-Karim Memon, J.

The petitioner, Sandhia

Kumari, is requesting this Court to order the government officials to give her the appointment letter for the position of Primary School Teacher (PST) at grade level 9, following the teacher recruitment policy of 2012. She is making this request through a petition filed under Article 199 of the Constitution of Pakistan.

2. Facts of the case are that the petitioner applied for a Primary School Teacher (PST) position in the Tharparkar district via an advertisement issued in April 2012. She claims to have passed the aptitude test with a score of 68%. Further, two other candidates (respondents No. 6 & 7) with lower scores (62%) were appointed instead. The petitioner believes the appointments were based on political influence, not merit.

3. The learned counsel for the petitioner argued that her higher score on the aptitude test makes her more qualified; and that the appointments of lower-scoring candidates violate the Teachers Recruitment Policy 2012. He added that the respondents' actions were illegal, biased, and deprived of the right to equal opportunity. learned counsel prayed to declare the appointments of the lower-scoring candidates illegal. Further prayed to declare the petitioner eligible for the PST position and direction may be issued to the respondents to appoint her as a PST teacher.

4. The learned Additional AG has submitted that even a successful candidate does not acquire an indefeasible right to be appointed and that it could be legitimately denied. He further submitted that the public notice inviting applications for the appointment has been held only to be an invitation to the qualified candidates to apply for an appointment. He next added that by mere applying or selection, the petitioner does not acquire any right to the post. He next submitted that on the decisions of authority on a policy matter, Courts will not ordinarily interfere. At this stage, we reminded him that Courts do not abdicate their right to scrutinize whether the policy has been formulated keeping in mind all relevant facts and whether it is beyond the pale of discrimination or unreasonableness based on the material on record. Unless the policy or action is inconsistent with the Constitution and the laws are arbitrary or irrational or there is an abuse of power, the Courts will not interfere with such policy matters. He lastly prayed for the dismissal of the petition.

5. We have considered the facts and circumstances of the case. It appears that the petitioner was denied the appointment as a Primary School Teacher despite meeting the eligibility criteria as per her claim, therefore this court has decided to send the case back to the relevant authority because the respondents didn't respond to the allegations. The competent authority will now decide the issue of whether the petitioner can be appointed as a Primary School Teacher based on her claim that she obtained more marks than other candidates who had been declared successful candidates in her place, the aforesaid exercise shall be undertaken within two weeks, after giving her a fair hearing.

**JUDGE**

**JUDGE**