

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1641 of 2023

(Hafeez Ali Mangi versus Province of Sindh and others)

Present:

Mr. Muhammad Iqbal Kalhoro, J.

Mr. Arbab Ali Hakro, J.

Date of hearing : **18.04.2024**

Date of decision : **18.04.2024**

Mr. Shahbaz Hafeez Shahani, Advocate for petitioner.

ORDER

Muhammad Iqbal Kalhoro, J. – Petitioner has filed this petition seeking appointment on the post of Junior School Teacher (Science) BPS-14. His case is that he had applied for the said post in terms of advertisements published in various newspapers in the year 2012, and qualified the tests held pursuant to which and stood at Sr. No.4 of the merit list. There were three seats: one reserved for female and two mixed for both male and female. On female-seat, a lady namely Kaneez Fatima was appointed, whereas, on two remaining mixed seats, the candidates, who were ahead of him on merit list, were recommended, but they did not join the duty as they had been meanwhile appointed on different posts in different departments. Hence, he approached the Education Department for his appointment on the vacant seats being qualified candidate, but to no avail; hence this petition.

2. On the last date of hearing, we had put the Counsel on notice to satisfy about maintainability of the petition. We have heard him today and are not convinced by his arguments. The recruitment process in Education Department, which he has challenged, took place in the year 2012. Thereafter, reportedly, in 2018 and 2021, the seats were announced in the Education Department and the recruitment was done. Petitioner, instead of choosing to contest in the same processes, has filed this petition after ten years, which therefore suffers from serious laches. On merits even, petitioner has *prima facie* no case, as mere qualification in a test does not create a right of appointment in favour of successful candidate, is a settled law.

3. We, therefore, find no merit in this petition and accordingly **dismiss it in limine** along with pending application(s), if any.

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