

# THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Adnan Iqbal Chaudhry &  
Mr. Justice Abdul Mobeen Lakho.

Const. Petition No. D – 280 of 2024

[Kazim Jaffar v. Province of Sindh and others]

Petitioner : Kazim Jaffar s/o Ghulam Jaffar  
through Mr. Munir Ahmed Gilal,  
Advocate.

Respondents 1-5 : Province of Sindh others through  
Mr. Suresh Kumar, Additional  
Advocate General Sindh.

Date of hearing : 23-10-2024

Date of order : 23-10-2024

## ORDER

**Adnan Iqbal Chaudhry J.** - The Petitioner had made an application to the Sindh Police for appointment in service on the 'Deceased Quota' under Rule 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 read with the Police (Shaheed, Deceased, Invalidated or Incapacitated Quota) Recruitment Rules, 2021. Appointment was denied on the ground that he failed the physical test for the post of police constable, hence this petition.

While this petition was pending, the Supreme Court of Pakistan has declared by judgment dated 26-09-2024 in Civil Petition No. 3390/2021, titled *General Post Office and others v. Muhammad Jalal*, that Rule 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, and any other rule for appointing a civil servant on deceased quota is *ultra vires* Articles 3, 4, 5(2), 18, 25(1) and 27 of the Constitution of Pakistan. Though an exception has been made for rules that benefit legal heirs of martyred personnel, admittedly the Petitioner's case does not fall within that exception. Therefore, in view of the pronouncement in the case of *Muhammad Jalal*, no writ can issue for the Petitioner. The petition is dismissed.

JUDGE

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