

THE HIGH COURT OF SINDH KARACHI

Present:

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

Const. Petition No. D - 4728 of 2023

[Kaleemullah v. Province of Sindh and others]

Petitioner : Kaleemullah son of Zahid Hussain Memon through Mr. Shiraz, Advocate, *who holds brief* for Mr. Ali Asadullah Bullo, Advocate.

Respondents 1-2 : Province of Sindh through the Chief Secretary and another through Mr. Naeem Akhtar Talpur, A.A.G. Sindh.

Date of hearing : 20-11-2024

Date of order : 20-11-2024

ORDER

Adnan Iqbal Chaudhry J. - The Petitioner seeks a writ to the School Education and Literacy Department, Government of Sindh for appointment in service on the 'Deceased Quota' under Rule 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974. However, by now 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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