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IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Constt. Petition No: D- 758 of 2010.

Constt. Petition No: D- 2285, 2647 of 2011.

Constt. Petition No: D- 731, 1026, 1027 of 2012.

Constt. Petition No: D- 30, 45, 49, 53, 63, 68, 79, 95, 150, 162, 171, 210,
216, 225, 242, 262, 364, 465, 637, 905, 932, 1418 of 2013.

Constt. Petition No: D- 596, and 816 of 2014.

Present:

Mr. Justice Muhammad Shafi Siddiqui.

Mr. Justice Aftab Ahmed Gorar.

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Mr. Faiz Muhammad M. Larik, Advocate.  
Mr. Shamasuddin Abbasi, Advocate.  
Mr. Inayatullah G. Morio, Advocate.  
Mr. Asif Ali Abdul Razzak Soomro, Advocate.  
Mr. Abdul Rehman A. Bhutto, Advocate.  
Mr. Ali Azhar Tunio, Advocate.  
Mr. Safdar Ali Ghouri, Advocate.  
Mr. Nisar Ahmed G. Abro, Advocate.  
Mr. Irfan Hyder Khichi, Advocate.  
Mr. Rashid Mustafa Solangi, Advocate.  
Mr. Ashfaq Hussain Abro, Advocate.  
Mr. Rafique Ahmed K. Abro, Advocate.  
Mr. Ghayoor Abbas Shahani, Advocate.  
Mr. Habibullah G. Ghouri, Advocate.  
Mr. Saleemullah Abbasi, Advocate.  
Mr. Nazir Ahmed Bhangwar, Advocate.  
Mr. Ghulam Nabi Bhangwar, Advocate.  
Mr. Muhammad Aslam H. Jatoi, Advocate.  
Mr. Ahmed Hussain Khoso, Advocate.  
Mr. Naushad Ali R. Tagar, Advocate.  
Mrs. Leela @ Kalpna Devi, Advocate.

Messrs Naimatullah Bhurgri, Ameer Ahmed Narejo, Abdul Rasheed Soomro, and Mr. Ali Raza Pathan, State Counsels for Addl. A.G. alongwith Mr. Mushtaq Ahmed Kalhoro on behalf of D.E.O Larkana and Mr. Din Muhammad Suhriyani D.E.O (HQ), Kashmore.

Date of hearing: 28.08.2014.  
Date of Judgment: 28.08.2014

**ORDER**

**Muhammad Shafi Siddiqui, J.-** This is a bunch of connected cases, wherein the grievances of the petitioners concisely are that the education program in terms of Recruitment policy of 10<sup>th</sup> July, 2008 has not been adhered to its letter and spirit.

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2. Learned counsel for petitioners submit that, criteria that has been laid down for appointment of the candidates and the criteria of awarding marks to candidates from Union Council/ Taluka/ District have not been followed. They have further submitted that the marks in terms of the academic qualification, such as Masters Degree/Bachelor Degree/FA/FSc and Matriculation certificates have not been awarded and so also the marks to be assigned to the candidates in terms of professional qualification on priority basis have not been followed. Learned counsel submitted that since questions which requires the scrutinization of the different candidates in terms of the policy of 10<sup>th</sup> July, 2008, is not followed, therefore, it would not be possible within the jurisdiction of this Court to have independently scrutinize the cases of individual candidates. Learned counsel relied upon case of Shabir Hussain v. E.D.O and others reported in 2012 C.L.C-16, and so also case of Deedar Ali and others v. D.E.O and others passed in C.P. No. D- 1075/2012. Learned counsel also submitted that though the petitioners have been discriminated and disregarded as far as application of policy to the petitioners are concerned, they submit that those who have been appointed were in violation and in derogation of the aforesaid policy and that while considering the cases of the petitioners, those who have already been appointed, their documents vis-à-vis their candidates and entitlement should also be scrutinized on the touchstone of the policy referred above.

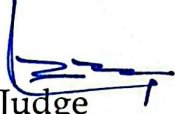
3. It appears that in the aforesaid cited judgment after considering the similar arguments as raised by the learned counsel today, it was observed that the criteria for selection and appointment provided under Recruitment policy of 10<sup>th</sup> July, 2008, was fair, just and reasonable and that any selection and appointment made in violation of criteria in the said policy or findings given were declared to be unlawful and of no legal effect.


4. We heard learned counsel from both sides. Counsel from both sides unanimously agreed for disposal of all these petitions with the direction that the concerned District Recruitment Committee shall follow the procedure laid down in the Recruitment policy dated 10.07.2008, and as interpreted in the case of Shabir Hussain and others v. E.D.O and others reported in 2012 C.L.C-16, and so also comply other findings given in the said judgment and prepare revised merit list within a period of (60) days from the date of this

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order. In doing so and while preparing revised list of the candidates/ petitioners only those who would be considered eligible shall be re-listed and all appointments made contrary to this policy shall be nullified. Needless to mention that while nullifying the appointment of any candidate or petitioner reasonable notice of hearing shall be given to the candidate who would likely to be effected by such order. This exercise has already been ordered in terms of earlier judgment, and if not complied, shall be complied, with report to this Court through Additional Registrar.

5. With these observations the petitions are disposed of. We may however, observe that despite passing of the order reported in 2012 C.L.C-16, still the complaints in shape of petitions are being received, that after the remand of the cases, the District Recruitment Committee are still not following the mandate of policy of 10<sup>th</sup> July, 2008. We may observe that in case while preparing revised list, if the committee still commits any violation or act in derogation of policy, appropriate action against the delinquents shall be initiated which may include contempt proceedings.

  
Judge

  
Judge