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ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

C. P. No.D-777 of 2013  
(Abdul Sattar Bajkani v. Province of Sindh & Ors)

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
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**BEFORE:**

*Mr. Justice Muhammad Saleem Jessar*  
*Mr. Justice Adnan-ul-Karim Memon*

**Date of hearing and Order: 06.03.2025.**

Mr. Ghulam Dastagir Shahani , advocate along with the petitioner.  
Mr. Liaqat Ali Shar , Additional Advocate General.

**ORDER**

**ADNAN UL KARIM MEMON-J.:-** Petitioner seeks directives to the respondents (Sindh Local Government Board and related authorities) to issue an appointment order in his favor for the post of CMO/TMO. He has also sought direction to the respondents to produce all relevant records, including written test papers, attendance sheets, qualifying lists, interview results, and merit lists. The petitioner is alleging that the recruitment process was unfair, manipulated, and that he was unjustly denied an appointment despite fulfilling the required qualifications.

2. The petitioner claims that after successfully passing a written exam and interview for a position advertised in February 2012, he was denied appointment for the subject post despite being told that he was a successful candidate. He alleged that appointments were instead given to favored individuals on November 30, 2012, based on political affiliation, with a mandated start date of December 3, 2012, an impossible timeframe for completing required formalities. Furthermore, a redundant interview in January 2013, after the positions were filled, suggests manipulation and a denial of his fundamental right for his appointment. Having exhausted all other legal avenues, the petitioner seeks relief through the court's constitutional jurisdiction.

3. The petitioner's counsel emphasizes that his client successfully passed the "viva-voce" (oral examination/interview) twice. Despite this success, the petitioner was denied appointment for the subject post and



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a dead person was appointed in his place. He argued petitioner's "meritorious right" to the appointment has been violated by the respondent-department. The counsel alleges that individuals who either did not appear for the examination, failed it, or, shockingly, were even deceased, were granted appointments, which is apathy on the part of the respondent-department. This highlights extreme political favoritism and corruption. The petitioner's counsel requests that this court grants the petition and orders the petitioner's appointment.

4. Learned AAG has argued that the petitioner is not entitled to the requested job. He cites a similar case (C.P. No. D-293/2023) filed by a co-petitioner, which was dismissed by the Sukkur bench of this court on July 24, 2013. He lastly prayed for dismissal of the petition.

5. We have heard learned counsel for the parties and perused the material available on record as well as case law relied upon by the learned AAG.

6. The petitioner applied for CMO/TMO positions in response to a 2012 public notice. Despite passing the written and interview stages, he was not considered for appointment. Instead, favored candidates were appointed in August 2013. However, those appointments were later revoked via impugned orders in the subject case, based on claims they were improperly made by the Local Government Board. These revocations were allegedly issued following a dismissed court order in C.P.No.D-293/2013. The respondents maintain the petitioner's name was not on the official selection list as a successful candidate, meaning thereby he was not selected for the subject post.

7. On November 24, 2011, the Sindh Local Government Board, a part of the Government of Sindh, began recruiting for positions in Basic Pay Scale (BS) 17 and BS 16 within the Sindh Councils Unified Grade (SCUG) service, specifically the Administration Branch. After conducting interviews, the Selection Committee recommended 103 candidates for appointment to BPS-17 positions and 86 candidates for BPS-16 positions within the SCUG service. The recruitment process was challenged in this Court through two Constitutional Petitions: C.P. No. D-3406/2011 and C.P No. D-117/2012. The petitioners in those cases submitted that the recruitment should have been conducted by the Sindh Public Service



Commission, not the Sindh Local Government Board. The Division Bench of this Court at Sukkur resolved the petitions with an order dated February 22, 2012. This court directed the Sindh Local Government Board "to comply with Rule 4(2)(ii) of SCUG." This means the court ordered the board to make sure they followed a specific rule within the Sindh Councils Unified Grade regulations. However, the petitioner has disputed this point on the premise that the respondent-department did not follow the Court order and appointed political affiliated candidates on the subject posts, ignoring meritorious candidates.

8. The petitioner's absence from the official selection list, required by Rule 4(2) of the Sindh Councils Unified Grades Service Rules, 1982, and the lack of supporting documentation for his selection, seriously undermine his claims, therefore, this Court is not in a position to say for and against at this stage. However, it is for the respondent-department to look into the matter in its true perspective and take a decision within reasonable time after providing meaningful hearing to the petitioner so far as the allegations of the petitioner are concerned.

9. The entire case is based upon factual controversy, which cannot be gone into by this court in exercising its constitutional jurisdiction. The Constitutional Petition brought before this court is liable to be disposed of in terms of the preceding paragraph.

~~JUDGE~~ JUDGE  
6/3/2025