IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

Constt: Petitions No.D-502, 1301, 1022, 1696, 1850 and 1975 of 2010, D-1129, and 1809 of 2011, D-23, 64, 75, 85, 110, 115, 223, 332, 505, 535, 574,589, 652, 654, 663,697, 716, 772, 883, 940, 941, 955, 1016, 1048, 1057, 1072, 1158, 1288, 1324, 1343, 1382, 1397, 1398, 1420, 1433, 1439, 1444, 1465, 1470,1472, 1473 and 1474 of 2012, D-02, 08, 19, 20, 31, 33, 72, 82, 91, 100, 119, 123, 129, 138, 159, 161, 175, 180, 221, 235, 237, 330, 332, 345, 358, 362, 407, 409, 412, 428, 438, 458, 490, 564, 667, 690, 956, 1137, 1152, 1326 and 1463 of 2013, D-104, 228, 245, 735, 834, 884, 941 & 1089 of 2014.

Present:

Mr.Justice Muhammad Shafi Siddiqui-J.
Mr. Justice Aftab Ahmed Gorar-J

Mr.Abdul Rehman Bhutto,
Mr.Sarfraz Khan Jatoi,
Mr.Inyatullah G. Morio,
Mr.Faiz Mohammad Larik,
Mr.Rashid Mustafa Solangi,
Mr.Abdul Karim Surahio,
Mr.Asif Hussain Chandio,
Mr.Syed Fida Hussain Shah,
Mr.Ghulam Muhiuddin Durani,
Mr.Habibullah G. Ghouri,
Mr.Mohammad Azeem Korai
Mr.Nisar Ahmed G. Abro,
Mr.Ghulam Nabi Bangwar,
Mr.Mohammad Saleem Jessar,
Mr.Mohammad Qasim Mahessar,
Mr.Rehmat Ali,
Mr.Abdul Rasheed Abro
Mr.Ghulam Murtaza Jokhio,
Mr.Saeed Ahmed Bijarani,
Mr.Ali Anwar Sahar,
Mr.Mohammad Imran Abbasi
Mr.Ali Nawaz Ghanghro,
Mr.Ghulam Dastaghir Shahani
Mr.Mir Mohammad Buriro
Mr.Azizullah Buriro,
Mr.Ashfaque Hussain Abro,
Mr.Irfan Haider Khichi
Mr.Muneer Ahmed Bijarani,
Mr.Mohammad Aslam Jatoi,
Mr.Abdul Faheem Thaheem
Mr.Ghayoor Abbas Shahani,
Mr.Shamsuddin Abbasi,
Mr.Syed Sikandr Ali Shah,
Mr.Altaf Hussain Khoso,

Mr. Sajid Hussain Mehessar,
Mr.Kamaluddin Bhatti
Mr.Ali Azhar Tunio,
Mr.Irfan Badar Abbasi,
Mr.Altaf Hussain Surahio,
Mr.Safdar Ali Ghouri.
Mr.Javed Ahmed Korai
Mr.Ghulam Serwer Abdullah Soomro,
Mr.Mazhar Ali Bhutto,
Mr.Saleem Raza Jakhar
Mr.Shafiq ur Rehman Soomro,
Mr.Naushad Ali Tagar,
Mr.Syed Gous Ali Shah
Mr.Nazir Ahmed Bangwar
Mr.Abdul Hussain Ali Hassan Junejo.
Learned counsel for the petitioners.

Mr.Abdul Hamid Bhurgri, A.A.G a/w Messrs Naimatulla Bhurgri, Ameer Ahmed Narejo, Ali Raza Pathan, Syed Fida Hussain Shah, Qazi Mohammad Bux, Abdul Rasheed Abro, Miss Shazia Surahio and Mrs.Shamim Khokher, State Counsel.

Mr.Abdul Razzak Jamali appearing on behalf of the N.T.S, present in Court waives notice.

Date of hearing : 25.09.2014
Date of judgment: 25.09.2014.

ORDER.

ATAB AHMED GORAR 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 10th July, 2008 has not been adhered to its letter and spirit.

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 qualifications, such as Masters Degree/Bachelor Degree/FA/FSc and Matriculation certificates and so also the marks to be assigned to the candidates in terms of professional qualification viz. PTC, C.T, B.Ed and M.Ed on

priority basis have not been awarded. Learned counsel submitted that since questions which requires the scrutinization of the different candidates in terms of the Recruitment Policy of 10th July, 2008, is not followed, therefore, it would not be possible within the jurisdiction of this Court to 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-a-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 10th July, 2008, was fair, just and reasonable and that any selection and appointment made in violation of criteria in the said policy of findings given were declared to be unlawful and of no legal effect.

4. We have 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 of 10th July, 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 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 affected 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 10th 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 d inquents shall be initiated which may include contempt proceedings.

JUDGE

JUDGE