

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-6400 of 2017
(Safia Bano v Province of Sindh & others)

Date	Order with signature of Judge(s)
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Before:
Mr. Justice Muhammad Karim Khan Agha
Mr. Justice Adnan-ul-Karim Memon

Date of hearing and order 21.4.2025

Mr. Muhammad Kamran Mirza advocate for the petitioner
Mr. Ali Safdar Depar, AAG

ORDER

Adnan-ul-Karim Memon, J: The petitioner, a lab attendant (BS-2) appointed in 1988 at a Karachi girls' high school (Respondent No. 4), is aggrieved by the lack of promotional avenues in her department, leaving her in the same grade for about 30 years. She highlighted that a colleague appointed as a lab attendant at the same time was later promoted to teacher roles, and even lower-grade staff have received promotions, while she has been overlooked despite acquiring BA, B.Ed, CT, and MA (Islamic Studies) degrees and making repeated representations to Respondent No. 3 for promotion to High School Teacher.

2. The petitioner's counsel argued that this inaction and lack of promotion violate her constitutional rights to equal treatment under Articles 4 and 25, especially since others in similar situations within the Sindh government have been promoted (Article 27). He contends the respondent has a legal duty to address her grievance, and their prolonged silence is a failure of public duty. he asserts the delay is unreasonable and that the respondent must act according to the law. The petitioner's counsel claims her case is comparable to her promoted colleague and seeks the same equitable relief. Having no other adequate remedy, she prays for the court to declare the respondent's discrimination, inaction, and delay in considering her for promotion as unconstitutional and unlawful, and direct the respondents to consider her for promotion to Higher School Teacher immediately. c) Grant any other suitable relief.

3. The learned Assistant Advocate General (AAG) opposed the petition without submitting written comments, arguing that no rules exist to facilitate the promotion of a Lab Attendant to a High School Teacher, and requested the petition's dismissal.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. The learned AAG stated that there are no established rules for a direct promotion from the non-teaching position of Lab Attendant (BS-2)

to the teaching role of High School Teacher (likely BPS-16 or 17). This aligns with the typical structure of education departments, which maintain separate career paths for teaching and non-teaching staff, each with its own set of recruitment and promotion guidelines. Lab Attendants are generally categorized as ministerial or support staff, distinct from the teaching cadre (PST, JEST, HST, SST). Becoming a school teacher usually necessitates specific academic qualifications, such as a Bachelor's or Master's degree in a relevant subject, along with professional teaching qualifications like a B.Ed. or M.Ed., and often a teaching license. While the petitioner holds relevant degrees (BA, B.Ed, CT, MA), her position as a Lab Attendant does not provide a specific route into the teaching cadre. Instead, her most probable path to becoming a teacher would involve applying for advertised teaching vacancies for which she meets the required eligibility criteria, as initial teaching appointments in Sindh often occur through the Public Service Commission or testing services.

6. In conclusion, while the petitioner has acquired educational qualifications that might make her eligible to *apply* for a teaching position, it is unlikely that there exists a *direct promotion rule* that allows a Lab Attendant to automatically be promoted to a High School Teacher. Her best course of action would be to look out for and apply to relevant teaching vacancies advertised by the Sindh government, provided she meets the stipulated criteria for those posts.

7. This petition stands dismissed with pending application(s).

JUDGE

Head of Constitutional Benches