

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Constt: Petition No.D- 99 of 2025.
(Sanaullah v. D.C Larkana and others)

DATE OF HEARING ORDER WITH SIGNATURE OF HON'BLE JUDGE

BEFORE

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

Date of hearing and Order: 13.3.2025.

M/s Javed Ahmed Soomro and Riaz Hussain Mirani, advocates
for the petitioner.

Mr. Liaquat Ali Shar, A.A.G assisted by Mr.Aftab Ahmed Bhutto,
Asstt: A.G. a/w Siraj Ahmed, Focal Person on behalf of
Respondent No.1, Gul bahar Magsi, DEO (Sec) Larkana.

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O R D E R.

Adnan-ul-Karim Memon, J:- The petitioner requests the court to order
respondent No. 1 to immediately convene the DRC, finalize document scrutiny,
and issue an appointment order for the Junior Clerk position, as per the Chief
Secretary's approved summary.

2. Akhtiar Ali Supro, a deceased Education Department employee, had his
son's (the petitioner's) case for appointment under the deceased quota
approved by the Chief Secretary Sindh in March 2024. The Director Schools
Education and the District Education Officer (DEO) forwarded the petitioner's
case to the Deputy Commissioner (DC) Larkana for a District Recruitment
Committee (DRC) meeting to finalize the appointment. The DC Larkana delayed
convening the DRC, prompting the petitioner to seek a court order for the DRC
to be held and the appointment to be finalized.

3. The DEO acknowledges the Supreme Court of Pakistan's ruling (October
2024) that declared appointments under the deceased quota (Rule 11-A)
discriminatory and unconstitutional. The DEO states that a DRC meeting was
scheduled for October 25, 2024, but was canceled because of the Supreme
Court's ban on deceased quota appointments. The Chief Secretary of Sindh
issued a notification in December 2024, that omitted rule 11-A. Therefore, the
DRC could not be held. He added that the Supreme Court's decision rendered
the petitioner's approved appointment invalid.

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

5. The petitioner sought appointment benefits under the now-omitted Rule 11-A of the Sindh Civil Servants (Appointment & promotion and Transfer) Rules 1974, claiming his right accrued before the rule's removal as per direction of the Supreme Court. His father's death certificate was affirmed before the rule's omission. He submitted that retrospective application of the rule's omission was/is unlawful. He emphasized that the omission notification was intended to be prospective, not retrospective.

6. The Supreme Court of Pakistan issued a ruling on September 26, 2024, declaring the "Deceased Quota" in government jobs as discriminatory and unconstitutional. The Supreme Court found that this practice violated fundamental rights enshrined in the Constitution of Pakistan. In response to the Supreme Court's ruling, the Sindh government cabinet took action to remove Rule 11A from the Sindh Civil Servants (Appointment, Promotion, and Transfer) Rules, 1974. This rule was the legal basis for the "Deceased Quota. However, the Supreme Court judgement makes rule 11-A void.

7. The court concludes that no case on deceased quota is made out and this petition is dismissed.

JUDGE
12/9/2025