

ORDER SHEET

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

Constt: Petition No.D- 05 of 2015.

(Mst. Ghuloam Fatima v. P.O Sindh and others)

DATE OF HEARING ORDER WITH SIGNATURE OF HON'BLE JUDGE

Before:

Muhammad Saleem Jessar, J;
Adnan-ul-Karim Memon, J

Date of hearing & Order 12.3.2025.

None present for the petitioner.

Mr. Liaquat Ali Shar, A.A.G assisted by Mr.Aftab Ahmed Bhutto,
Asstt: A.G.

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O R D E R

ADNAN UL KARIM MEMON-J.: Petitioner seeks directions to the respondent Nos. 3 and 4 to receive the joining report of the petitioner and issue a posting order in favor of the petitioner.

2. A qualified candidate received a 2014 job offer as a Junior School Teacher in the Education department. Despite completing all requirements (verification, documentation), the district education officer refused to allow her to join, citing political influence. She's petitioning the court to order the officer to accept her joining and issue a posting order, submitting that the refusal is illegal.

3. The respondents dispute the petitioner's claim, submitting that the job offer was invalid due to a critical document (PRC Form-D) being submitted late, violating application deadlines and eligibility requirements. They assert that passing the written test alone does not secure appointment; all advertised criteria must be met, and vacancies within the petitioner's Union Council must exist. The issued offer letter, they contend, was a clerical error subsequently rectified by its retroactive cancellation upon discovery of the late document submission. They reiterate the erroneous nature of the offer and dismiss the relevance of paragraph 6 in the petitioner's document. They maintain the petitioner's application was incomplete and thus ineligible, the offer was a mistake and revoked, and test success does not override other necessary qualifications.

4. We have heard the learned AAG on the subject issue and perused the record with his assistance.

5. The important questions arising in the present proceedings are as under:-

- i) Whether the DRC can withhold/cancel the appointment of the petitioner under the law?
- ii) Whether the petitioner is a permanent resident of District and Taluka Kamber Shahdada Kot Union Council Jamali?
- iii) Whether the petitioner, being a permanent resident of District and Taluka Kamber Shahdada Kot union council Jamali submitted her domicile certificate after the cut-off date i.e. 20.5.2012, can be disqualified for the post of Junior School Teacher as per Teachers Recruitment Policy 2012?

6. To appreciate the controversy in its proper perspective, we deem it appropriate to have a glance at the term "qualification"; therefore, it is necessary, in the first instance, to understand the meaning of the word "Qualification" from various sources:-

(i) "a pass of an examination or an official completion of a course, especially one conferring status as a recognized practitioner of a profession or activity.

(ii) a condition that must be fulfilled before a right can be acquired; an official requirement."

7. Having considered the dictionary meanings of the word "Qualification" and the interpretation given to it by the Superior Courts in the different judgments, we intend to resolve the issue and seek guidance from the parent Statute i.e. Sind Civil Servants Act, 1973 and Sind Civil Servants (Appointment, Promotion and Transfer) Rules, 1974. Rule 12- (1) provides as under:

" A candidate for appointment by initial recruitment must possess the educational qualifications and experience and be within the age limit laid down for that appointment. Rule 14- says that the Vacancies in the under-mentioned posts shall be filled on Provincial basis, in accordance with the merit and regional or district quota as determined by Government from time to time.

- (i) Posts in Basic Scales 2 [16] and above;
- (ii) Posts in Basic Scales 3 to 15 in offices which serve only the whole Province.
- (iii) Rule 15- provides that the Posts in [Basic Scales 3 to 15 in offices which serve only a particular region or district shall be filled by appointment of persons domiciled in the region or district concerned."

8. It appears that the petitioner received the offer letter for her appointment after completing the necessary formalities, including the verification of her domicile and permanent residence certificates (PRCs). This Court has concluded that once an offer of appointment is issued after all the required formalities have been completed, it cannot be revoked on a mere assumption, supposition, or the arbitrary decision of an executive official. Such a right, once acquired, cannot be destroyed or withdrawn as it is protected by the legal principle of locus poenitentiae, which is well-established in service jurisprudence. The Respondents thus in our view have failed to justify the impugned action of canceling the appointment order of the petitioner by the Education Department.

9. In the light of the above facts and circumstances of the case, we are of the considered view that the decision of the education department to cancel the appointment of the Petitioner for the post of Junior School Teacher BPS-14, is erroneous and is not sustainable under the law. Thus, we have concluded that the petitioner has made out her case for reconsideration for the appointment of the petitioner for the post of Junior School Teacher BPS-14. Consequently, the instant Petition is disposed of in the above terms. Pending application(s) also stand disposed of.

~~JUDGE~~ JUDGE
12/31/2025