

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

Constitutional Petition No.D-89 of 2022.

(Abdul Jabbar v. D.E.O, Kamber-Shahdadkot & others)

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: 18.03.2025

Mr. Noorullah Gulsher Khan Rind, advocate a/w the petitioner.
Mr. Liaquat Ali Shar, AAG a/w Syed Safdar Ali Shah, Director
Schools (ES&HS) Larkana, and Sanaullah Aghani, Deputy Director
(ES&HS) Larkana.

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ORDER

ADNAN-UL-KARIM MEMON.J:- The petitioner seeks directions to the respondents to promote the petitioner on a special quota according to his qualifications.

2. A disabled employee, hired as an Attendant in 2012, has consistently performed his duties well. Despite possessing an M.A. degree and computer skills, he has been unjustly denied a promotion. Having exhausted all avenues for redress with the authorities, and facing severe hardship due to his poverty and disability, he now petitions the court to mandate his promotion, citing his qualifications and entitlement under the disability quota.

3. The respondents submit that the petitioner's case lacks merit, as he has not experienced any demonstrable injustice. They explain that promotions to Junior Clerk (BPS-11) are governed by specific departmental rules, which allow for a 30% allocation of vacant positions to lower-grade employees, provided they meet all requirements. The promotion committee, chaired by the Director of School Education (Primary) in Larkana, evaluates candidates based on seniority and fitness, not solely on disability status. The respondents further assert that the petitioner has not presented a complete picture of the facts. They emphasize that a mandatory computer typing test is a prerequisite for promotion, and the petitioner's score of 60 fell below the cutoff of 78, which was the score of the last successful candidate. To substantiate their claim that the process was fair, they have submitted

pay slips of other employees who were promoted from similar positions as the petitioner. Consequently, they submit that the petitioner's request is unfounded and may be rejected.

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

5. Eligibility for promotion is determined by service terms, while fitness is a subjective assessment based on objective criteria. Although civil servants have a right to be considered for promotion, promotion itself is not a guaranteed right. There is no inherent right to promotion or specific promotion rules. The Supreme Court has consistently held that: A civil servant can only claim the right to be considered for promotion, not to be promoted on a specific date or to a specific post. The government has the authority to determine academic qualifications for promotion. The government can create and amend service rules for efficient service. Promotion eligibility is an administrative matter for the government, and courts should not interfere. Promotion policies can be changed by the government, and promotion is not a vested right. Recruitment policies are within the competent authority's domain and are not subject to judicial review unless they violate vested rights or laws.

6. At this stage, the petitioner has filed a statement and provided copies of pay slips of three of his colleagues, who have been promoted, as such he pleaded discrimination. If this is the position of the case, let this aspect of the case be taken care of by the Secretary, of Education to the effect of whether the colleagues of the petitioner were rightly promoted and he was ignored based on merit or otherwise. Such a decision shall be made within two months.

7. As a result of the above discussion, this petition is disposed of in the above terms.

~~JUDGE~~ JUDGE
19/3/2019