

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

Constitutional Petition No.D-545 of 2023.

(Syed Intezar Ali Shah v. DHO, Jacobabad & 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: 19.03.2025**

Mr. Abdul Rehman Bhutto, advocate for the petitioner.  
Mr. Liaquat Ali Shar, Additional Advocate General.

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**ORDER**

**ADNAN-UL-KARIM MEMON.J:-** The petitioner requests the court to order the respondents to issue appointment orders to the petitioner, a qualified and successful candidate from U.C-Mirpur Buriro, instead of appointing candidates from other Union Councils.

2. The petitioner asserts that he was wrongfully denied a Ward Boy position in Jacobabad. He accuses the respondents of discriminatory practices, including appointing unqualified candidates from other Union Councils and demanding political influence, and seeks court intervention to correct this injustice.

3. The respondents assert that the recruitment was suspended by a High Court order in civil Suit No.1564 of 2023, rendering the petitioner's claims of unfair appointments invalid. They deny all allegations of favoritism, demanding political influence, or giving false hope. They confirm the petitioner was interviewed, but maintain they acted lawfully and in compliance with the court order. They deny any corrupt practices and request the dismissal of the petition.

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

5. We have been informed that no appointment offer or commitment was made to the petitioner, and therefore, no legal right to appointment exists. Simply passing a test or interview does not guarantee employment. Under Article 199, the court cannot act as an appointing authority. The situation would be different if an appointment had been offered and then revoked. Furthermore, a 'legitimate expectation' of the appointment does not arise



solely from passing a test or interview, especially when the entire appointment process has been stated to be canceled. Consequently, without a vested right, there is no basis for this court to order the petitioner's appointment.

6. The petitioner's claims are irrelevant due to the canceled recruitment process as such Court intervention is barred post-cancellation. The government can cancel/restart recruitment, subject to exceptions provided in law. The court cannot override lawful departmental decisions or act as an appointing authority under Article 199 of the Constitution.

7. In the circumstances, the petition lacks merit and is dismissed.

JUDGE

JUDGE

19/3/2015