

IN THE HIGH COURT OF SINDH AT KARACHI

CP. No. D-4984 of 2015

(*Piar Ali Jokhio v Province of Sindh & others*)

CP. No. D-4985 of 2015

(*Rahim Bux Narejo v Province of Sindh & others*)

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

Date of hearing and Order: 14.04.2025

Mr. Irfan Mir Halepota for the petitioners in both petitions
Mr. Ali Safdar Depar AAG

ORDER

Adnan-ul-Karim Memon, J: Petitioner Piar Ali, holding a Bachelor's Degree from a reputable university, applied for the advertised Primary School Teacher (PST) position in the Education and Literacy Department, Government of Sindh (a 3-year Union Council-based contract). Having passed the NTS interview/written test and secured the 2nd position on the merit list for Union Council Kalri, Taluka, and District Thatta, he submits that his non-appointment, despite his eligibility and success, was due to nepotism and favoritism in the selection process. He had initially obtained his Domicile and PRC for educational purposes, as they were not required for service then, but later applied for a service-related PRC, believing there was no distinction between the two. Consequently, he filed this petition to declare him a successful candidate for the Primary School Teacher post within the reserved quota of Union Council Kalri, District Thatta, and to direct the respondents to issue his appointment order.

2. The Second Petitioner, Rahim Bux, who possesses both Bachelor's and Master's Degrees from a recognized university, states that he also applied for the advertised post of Primary School Teacher under the Education and Literacy Department, Government of Sindh. He participated in the interview and written test, achieving the sixth rank on the list of qualified candidates for Union Council Kalri, Taluka, and District Thatta. Mirroring the first position, the petitioner alleges that his non-appointment was a result of nepotism and favoritism. He further brings to the court's attention a discrepancy in official records where his village is identified by three different names: Narejo Ghot Kalri, Haji Soomar Narejo, and Peero Narejo, despite being a single village. To establish his residency, he submits that he resides in Haji Soomar Narejo, Union Council Kalri, supported by a letter from the concerned Mukhtiarkar, copies of his PRC and Domicile, and the inclusion of his

father's name in the voter list of Deh Kalri. Petitioner further submits that this naming ambiguity is not attributable to him and is clarified by official documentation. Consequently, he seeks the court's Constitutional Jurisdiction, praying for a declaration of his successful candidacy and a directive for the issuance of his appointment order.

3. The Respondent refutes the allegations of nepotism and favoritism, asserting that the NTS recruitment process was transparent. Learned AAG contends that the petitioners failed to submit the mandatory Domicile and PRC Form "D" by the stipulated deadline, as per the 2012 Teacher Recruitment Policy. He submitted that the petitioner's PRC Form "D" was produced after the recruitment was nearly finalized, leading to their non-recommendation. Furthermore, he highlights the discrepancy between the petitioner's claimed residency in Union Council Kalri and the "Makli, Taluka Thatta" address stated on his Domicile Certificate and PRC Form "D." He emphasizes that recruitment was strictly Union Council-based, thus invalidating the petitioner's claim for UC Kalri. He prayed for the dismissal of both petitions on the premise that this was the contractual post for three years and that period had already elapsed.

4. In essence, the document contains two slightly varying petitions from Rahim Bux requesting court intervention for his appointment as a Primary School Teacher. He alleges unfair non-appointment despite his success in the selection process for Union Council Kalri. The Education and Literacy Department, as the respondent, counters these claims by pointing to petitioner Rahim Bux's failure to submit the necessary PRC on time and discrepancies in his stated residency.

5. Prima facie, this issue of late submission of Domicile and PRC, which prompted the respondents not to consider their candidature, needs to be looked into by the Secretary of Education after hearing both the petitioners within three months if the petitioners meet the requisite criteria as set out in the Teachers Recruitment Policy 2012; besides no other candidates having lower marks superseded the petitioners. A copy of this order shall be sent to Secretary Education for compliance. These petitions stand disposed of in the aforesaid terms.

JUDGE

Head of Const. Benches