

IN HIGH COURT OF SINDH, CIRCUIT COURT  
MIRPURKHAS

C.P No. D-293 of 2025  
*[Irshad Muhammad v. Province of Sindh & Others]*

Before:  
Mr. Justice Arbab Ali Hakro  
Mr. Justice Riazat Ali Sahar

Counsel for Petitioner: Mr. Rizwan Akhter Khanzada, Advocate

Date of Hearing 30.04.2025

Date of Judgement 30.04.2025

**ORDER**

**Riazat Ali Sahar, J.** Through the instant petition, the Petitioner, is a primary school teacher and a long-standing member of the '*M/S Primary Teachers Association*' challenges the unlawful interference in the association's upcoming central elections. Instead, respondent No. 2 illegally appointed respondent No. 3 (Chief Statistician Officer), who overstepped his authority by dissolving the Central Election Committee and unilaterally forming new committees—actions not authorised by

the court and carried out without valid justification or stakeholder consultation. These actions, including preferential treatment of certain individuals such as Mr Sikander Ali Jatoi (whose membership had been terminated), and pre-emptive declaration of electoral groups prior to nominations, have raised serious concerns of bias, forgery, and electoral tampering. The Petitioner asserts that these violations have deprived over 115,000 members of transparent elections, caused significant anxiety among the association's ranks, and undermined the lawful electoral process established in the association's by-laws. Thus, seeking the following reliefs:

*“1.. Suspension of the impugned letters 19.11.2024 and 06.03.2025 because both impugned letters are against the registered bylaws of the association and contradictive with orders/directions of Honorable high court bench Sukkur orders/directions in CPD 1553/2024. as well as suspension of letters dated 24.3.2025 and Permanent injunction restraining the respondent No 1-2-3-4 or whomever acting through or under it and/or any of their officers from interfering with the duties and functions of the selected election committee by central working committee in its meeting.*

*2. Permanent injunction restraining defendant Nol-2-3-4 from taking any adverse action against the plaintiff and election committee constituted by central working committee in any shape, way or form whatsoever or pass any orders in furtherance of the same.*

*3. Mandatory injunction directing the defendant No 1-2-3-4 for holding elections 2025 in terms of Constitution and Bylaws of the association, and ensure that no unnecessary hurdles/impediments are created in the holding of the same under the supervision of central election committee constituted by central working committee as well as election monitoring committee as per directions of Honorable Court.”*

2. The Counsel for the petitioner assails the actions of respondent No. 3 on several grounds: (i) that the dissolution of the

duly constituted Central Election Committee was arbitrary, unauthorised, and in direct contravention of the binding judgment passed by the Honourable High Court of Sindh, Bench Sukkur in CP No. D-1553/2024; (ii) that the appointment of respondent No. 3 by respondent No. 2 was itself unlawful, as no such direction was issued by the Court, thereby rendering all subsequent acts by respondent No. 3 void and without lawful authority; (iii) that the interference by a suspended member, Mr. Sikander Ali Jatoui, in the election process—facilitated by respondent No. 3—was illegitimate and violative of the association’s registered by-laws; (iv) that the reconstitution of both the Central Election Committee and Election Monitoring Committee was conducted without transparency, legal basis, or stakeholder consultation, thus eroding the legitimacy of the election process; and (v) that such unlawful and mala fide actions have not only prejudiced the Petitioner, who is a candidate for Central General Secretary, but have also compromised the democratic rights of over 115,000 members of the association.

3. We specifically queried learned counsel for the petitioner as to whether ‘M/S Primary Teachers Association’ is a Government entity, semi-autonomous, or an autonomous body. In response, learned counsel unequivocally stated that M/S Primary Teachers Association’ is an autonomous body. It is well settled principle that the constitutional jurisdiction of this court under article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 of the constitution is primarily invoked in cases where a public functionary or statutory body has infringed a fundamental right. The mere fact that an association or entity has internal disputes or organisational irregularities does not, ipso facto,

confer jurisdiction upon this court unless it is shown that at the entity is performing a public function or the impugned action involves an element of public law, wherein this court is not satisfied for such elements. This legal position has been conclusively settled in the landmark judgment of **Mirza Muhammad NazakatBaig v. Federation of Pakistan and others [2020 SCMR 631]**, wherein the Apex court held that a writ petition is not maintainable against a purely autonomous body and generates its own funds independently, especially where no statutory rules or public duties are involved. The court observed:

*A bare reading of the provisions of the Legal Practitioners and Bar Councils Act shows that the Act provides for establishment of Bar Councils in the Provinces as well as the Islamabad Capital Territory. It deals with all matters relating to elections of office bearers, disciplinary and other professional matters, constitution of committees, their powers and other related and incidental matters. However, it is clear that other than the Attorney General for Pakistan being the ex-officio, Chairman Pakistan Bar Council and Advocates Generals of the Provinces and Islamabad Capital Territory being ex-officio, Chairman of the Provincial Bar Councils and Islamabad Capital Territory neither the Provincial nor the Federal Government exercise any administrative control over the affairs of the Pakistan Bar Council or the Provincial Bar Councils. Pakistan Bar Council is a statutory body which is autonomous and generates its own funds independently. The Government does not have any control over it. Likewise, the Islamabad Bar Council acts as a regulator for affairs of the Advocates in Islamabad Capital Territory, admits Advocates to practice before the said High Court and maintains rolls of such Advocates. The functions of the Council also inter-alia include initiating proceedings for misconduct against Advocates on its rolls and award punishment in such cases. **That being so, neither the Respondent nor any of its constituents or committees can be regarded as persons performing functions in connection with the affairs of the Federation,***

***Provinces or Local Authority within the contemplation of the Article 199 of the Constitution of Islamic Republic of Pakistan. As such we are in no manner of doubt that Respondent No.2 is not amenable to the jurisdiction of the High Court in terms of Article 199 of the Constitution.”***

This stance was reaffirmed in **Syed Iqbal Hussain shah Gillani v. Pakistan Bar Council and others [2021 SCMR 425]** as under:

*“It is settled law that a constitutional petition is only maintainable if the association/body performs public functions in connection with the affairs of the Federation, Provinces or Local Authority, as envisaged under Article 199 of the Constitution (Pakistan Olympic Association v. Nadeem Aftab Sindhu 2019 SCMR 221). However, a bare perusal of the 1973 Act reveals that neither the Provincial nor the Federal Government exercise any administrative, financial or other control over the affairs of the Pakistan Bar Council. Thus, neither the Pakistan Bar Council nor any of its committees can be regarded as persons performing functions in connection with the affairs of the Federation, Provinces or Local Authority within the contemplation of Article 199 of the Constitution of Pakistan. Accordingly, Respondents Nos.1 and 2 are not amenable to writ jurisdiction of High Court.”*

4. In view of the foregoing and upon careful consideration of the submissions advanced by the learned counsel for the petitioner, we are constrained to hold that the instant petition is not maintainable in law. The petitioner himself has conceded that ‘M/S Primary Teachers Association’ is an autonomous body, not a department of the Government or a statutory body performing public functions. The petitioner’s grievances, albeit possibly genuine in the private realm of association affairs, pertain exclusively to internal organisational disputes that do not attract the constitutional jurisdiction of this Court under Article 199 of

the Constitution of the Islamic Republic of Pakistan, 1973. It is a settled proposition of law that in the absence of any demonstrable nexus with public duty or statutory function, such disputes are not amenable to judicial review under writ jurisdiction. Therefore, we find no justification to entertain this petition within the limited scope of Article 199 jurisdiction. Accordingly, the petition is found to be not maintainable and is **dismissed** *in limine*.

***JUDGE***

***JUDGE***