

IN THE HIGH COURT OF SINDH AT KARACHI
CP. No. D-8521 of 2017
(*Abid Hussain v Federation of Pakistan & 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: 06.05.2025

Mr. Ali Asadullah Bullo advocate for the petitioners.
Mr. Ghulam Hyder Shaikh, advocate for the respondent
Ms. Wajiha Mehdi, Assistant Attorney General

ORDER

Adnan-ul-Karim Memon, J: The Petitioner requests this Court to declare the third de novo inquiry illegal and tainted with malice. He seeks a directive for the Respondents not to take coercive action in the third inquiry and ensure transparent proceedings with full opportunity for defense. He also requests the release of his salaries and benefits from the date of his first dismissal from service.

2. In 2010, the Petitioner was hired as a Junior Accounts Clerk (BS-7) on daily wages in the National Highway Authority (NHA) and subsequently regularized in October 2011. Following a May 2012 circular requiring relevant qualifications, the Respondents in December 2013 questioned the Petitioner's Matriculation Certificate (Science instead of General Group), which he then submitted for verification. In March 2014, a show-cause notice accused him of submitting a tampered Matric Science certificate, an allegation he denied. Despite a personal hearing where cadre re-designation was purportedly agreed upon, the Respondents dismissed him in May 2014. This led to the Petitioner's successful court challenge (CPD 3470/2014) in October 2016, with the court ordering a proper inquiry and his reinstatement in service and then he continued on subject post. However, instead of a new inquiry, the Respondents issued a second dismissal in February 2017, prompting another petition (CPD 2358/2017). During this time, in October 2017, the Petitioner was reinstated again and continued his service, contingent on the outcome of yet another inquiry and with withheld benefits. Now, the Petitioner is challenging this third inquiry, asserting that the previous inquiries were flawed, indicative of the Respondents' malicious intent to drag him in the proceeding without lawful justification and that his original qualification (Matric in General Group) was always on record. He submitted that the Respondents abused their authority, the second dismissal was unlawful, the court's initial directive was ignored, and he was unfairly treated. He views this third inquiry as continued harassment and a violation of his fundamental/ service rights.

3. The learned counsel for the petitioner argued that the 3rd denovo enquiry is illegal on the premise that his matriculation certificate was verified by the Board of Intermediate and Secondary Education Larkana is genuine, as such there was no need to conduct 3rd denovo enquiry based on purported tempered Matric Science Certificate. He prayed for allowing the instant petition.

4. The learned counsel for the respondents argued that the Petitioner presented a tampered Matric Science certificate, which was a necessary qualification for the job. He refuted any claims of discrimination, asserting that the dismissal followed established rules concerning the submission of forged documents. He contended that they complied with the court's directive by reinstating the Petitioner and commencing an inquiry. Furthermore, he maintained that the Petitioner was found guilty of submitting a tampered Matriculation Science Certificate during the de novo inquiry. Finally, he denied any allegations of malicious intent or abuse of power. He prayed for dismissal of the instant petition.

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

5. The Respondents attempted to verify the Petitioner's Matric Certificate, and the Larkana Board of Intermediate Education confirmed the authenticity of his SSC-II results from 2009 (Seat No. 115386, Grade C) via a letter dated November 4, 2013. However, the central dispute revolves around which Certificate Matric in Science or General Group, the Petitioner presented when applying for the job. While the Respondents have consistently alleged the submission of a tampered Matric Science certificate through three inquiries, their counsel conceded that the verification report does not specify the group. Although the Respondents maintained that the SSC-II result is genuine as per board's verification later 15.02.2017, they allege that the Petitioner altered the group from Science to General. The Petitioner has consistently stated his qualifications as Matric (General Group, 2009) and Intermediate (Humanities, 2011), denying any tampering of his Matriculation Certificate. He explained that he informed the authorities and presented his original General Group certificates when asked to produce a Science certificate. He also pointed to previous official records from 2012 and 2013 that acknowledged his Matric (General Group) qualification. Given the Larkana Board's verification of the Petitioner's SSC-II results as authentic, and the lack of clarity in the verification report regarding the specific group at the time of application, this court sees no need for further action. This matter has been pending since 2013 without significant progress, and the inquiry proceedings have already been judicially reviewed by this Court. As the Petitioner's SSC-II results are verified and found genuine by the BISE Larkana, the Respondents should now allow him to continue his employment based on this

Matric Certificate. The remaining issue of the specific group needs to be resolved by the head of the department of the respondents, considering the verification report from the Larkana Board. The outstanding issues as agitated shall also be resolved in the intervening period within three months.

6. This petition is therefore disposed of under the aforementioned terms, along with any pending applications.

JUDGE

Head of the Cost. Benches

Shafi