

# THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Const. Petition No.D-529 of 2023  
(*Abdullah and others v. P.O. Sindh & others*)

**PRESENT:**  
MR. JUSTICE ZULFIQAR ALI SANGI  
MR. JUSTICE RIAZAT ALI SAHAR

|                   |   |
|-------------------|---|
| Petitioners:      | <b>Abdullah and others</b> through Mr. Illahi Bux Jamali, Advocate. |
| Respondents:      | Through Mr. Ali Raza Baloch, Additional A.G Sindh.                  |
| Date of Hearing : | <u>29.10.2025</u>   |
| Date of Order:    | <u>29.10.2025</u>   |

## ORDER

RIAZAT ALI SAHAR J: - Through the instant petition, the petitioners seek appointment to the post of PST in the recruitment process initiated in the year 2021, on the ground that they had qualified the written test by securing 40% marks. However, they have not been appointed by the respondents on the pretext that, upon approval of the SNE, their appointments would be made. It is further averred in the petition that despite the lapse of considerable time, the SNE pertaining to the closed schools in Taluka Moro has not been approved, nor the petitioners have been appointed to the post of PST.

2. Learned counsel for the petitioners contends that despite having secured the qualifying marks of 40%, the names of the

petitioners were placed in the waiting list on the pretext that, upon approval of the SNE by the Government, they would be appointed on priority basis. It is further argued that the petitioners have been awaiting approval of the SNE for a considerable period so that their appointments may be effected, as they have fulfilled all requisite conditions of eligibility and merit but have yet to receive their appointment orders.

3. On the other hand, learned Additional A.A.G. opposed the instant petition by contending that the entire recruitment process initiated in the year 2021 has already been completed in accordance with law, and subsequent thereto, another recruitment process has been initiated by the Government of Sindh. It is further submitted that the posts for which the petitioners claim appointment were never sanctioned under the SNE, and therefore, no vested right accrues to the petitioners. He maintains that no discrimination has been shown by the petitioners, as appointments were made strictly in accordance with merit and availability of sanctioned posts.

4. We have heard the learned counsel for the petitioners, learned A.A.G., and have perused the entire material placed before us.

5. From perusal of the contents of the instant petition, it is evident that the petitioners themselves have candidly admitted

in paragraph 5 of the memo of petition that no SNE has been approved for the posts against which they are seeking appointment. The petitioners have further failed to place on record any notification, approval, or document to substantiate that the posts in question were ever sanctioned, approved, or reserved for them.

6. Moreover, the recruitment process under challenge, initiated in the year 2021, has already been concluded, and no further appointments can lawfully be made against non-existing or unsanctioned posts. According to learned AAG, subsequent to the conclusion of the said process, the Government of Sindh has initiated another recruitment process. We may observe that this Court has already dismissed petitions involving similar controversy in the case of Salman Ahmed and 7 others v. Province of Sindh through Secretary Education and Literacy Department, Sindh and 6 others (2025 PLC (C.S) 1117), wherein it was held as under:-

**“8. The petitioners challenged the appointment process carried out under Recruitment Policy 2021 after a lapse of four years. Although they claimed to have approached the official respondents multiple times, no cogent documentary evidence supporting this assertion is found in the record. Their alleged efforts remain unsubstantiated.**

**9. This conduct suggests that the petitioners never formally sought redressal from the authorities. The present petition, filed after a delay of four years, is marred by inordinate and unexplained laches.**

**10. Though delay alone may not be fatal, once rights accrued in favour of others, a belated challenge by the petitioners cannot be**

entertained. Recruitment having concluded in 2021 and appointments made accordingly, the petitioners' long and unexplained silence renders their claim abandoned.

11. This Court finds the petition hit by the doctrine of laches. This doctrine, rooted in equity and fairness, presumes that persons aware of their rights must act promptly to enforce them. The petitioners were aware of the policy provisions, yet failed to act in a timely manner.

12. The Supreme Court of Pakistan, as well as Indian and English jurisprudence, consistently hold that discretionary relief can be denied where there is unexplained and unreasonable delay. The maxim 'delay defeats equity' is squarely attracted to the present case. Accordingly, the petitioners' delay of four years in asserting their claim renders this petition incompetent. Courts do not aid the indolent who sleep over their rights. This petition, thus, fails on the ground of laches and is liable to be dismissed”.

7. It is also a well-settled proposition of law that mere participation in a recruitment process, or even qualifying the written test and interview, does not confer upon a candidate any indefeasible or vested right to appointment. The competent authority retains the discretion to make appointments in accordance with law, applicable rules, and subject to availability of sanctioned posts. Therefore, the relief sought by the petitioners is misconceived and devoid of legal justification.

8. In view of the above, instant petition devoid of merit, stands **dismissed** accordingly.

**JUDGE**

**JUDGE**

Ahmad