

HIGH COURT OF SINDH CIRCUIT COURT, MIRPURKHAS

C.P No.D-660 of 2025

[Rano Mal & others v. Province of Sindh & others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE RIAZAT ALI SAHAR

Mr. Kanji Mal Meghwar, advocate for petitioner(s)

Mr. Muhammad Sharif Solangi, Assistant A.G Sindh a/w District Accounts Officer Tharparkar (**Tarique Mobeen Sahito**), Director Schools Education Mirpurkhas (**Muhammad Iqbal Kumber**), and Focal Person District Education Officer Tharparkar (**Jewan Mansha**)

Date of hearing & decision: 12.11.2025

ADNAN-UL-KARIM MEMON J.- The Petitioners pray that this Court may be pleased to:

- a) Declare the impugned order dated 08.10.2025 illegal, void ab initio, arbitrary, and in violation of the Court's order dated 21.5.2025 and Article 10-A of the Constitution, and set it aside;
- b) Suspend the operation of impugned order til final disposal of this petition;
- c) Award costs of the petition against the respondents.

2. The case of the Petitioners is that they were appointed as Junior School Teachers (JSTs) on 09.06.2014 through NTS and have been serving diligently since their appointment. On 12.11.2019 certain JSTs were promoted to the post of High School Teachers (HSTs), but the Petitioners were not considered for promotion. They filed representations which remained undecided and subsequently Service Appeal No. 168/2021 was withdrawn on 01.09.2021. On 28.04.2022, the Petitioners were promoted from JST to HST. Later some HSTs filed CP. No. D-719 of 2024 seeking seniority recalculation and interim relief, in which the Petitioners were not initially made parties. The Court disposed of that petition on 21.05.2025 directing Secretary Education to decide the Petitioners' representations after providing them proper opportunity of hearing within sixty days. In compliance whereof, the Respondents constituted an inquiry committee, which submitted report recommending the cancellation of certain Ex-Post Facto promotions. Acting upon these recommendations, Respondent No.2

issued the impugned order on 08.10.2025, canceling the Petitioners' promotion orders. The Petitioners contend that the impugned order was passed without affording them an opportunity of hearing, which is clear violation of the directions of this Court and Article 10-A of the Constitution. The actions of the Respondents are arbitrary, unlawful, and have adversely affected the Petitioners' fundamental rights.

3. Learned A.A.G. assisted by the officer present in court, submitted that the then Director, School Education (ES&HS) Mirpurkhas, initially promoted 66 Junior School Teachers (JSTs) to High School Teachers (HSTs) on 12.11.2019 with three additional promotions made through departmental appeals as per seniority list of 22.08.2019. On 28.04.2022, another DPC promoted 73 JSTs according to the seniority list of 25.04.2021. Subsequently, on 31.03.2023, ten teachers were granted Ex-Post Facto promotions effective from 12.11.2019 for seniority and pay purposes. The final seniority list issued on 12.03.2024 placed these ten teachers significantly senior to those promoted in 2022, thereby disrupting legitimate seniority positions. This Court in CP. No. D-719 of 2024, disposed of the petition on 21.05.2025, directing Secretary, Education & Literacy Department to decide the Petitioners' representations after proper hearing within sixty days. Complying with this, Secretary appointed Director General (Monitoring & Evaluation) to conduct an inquiry, who recommended that all Ex-Post Facto promotions granted irregularly be cancelled as void ab-initio and that future promotions follow proper departmental guidelines. Accordingly, on 08.10.2025, the Director, School Education (ES&HS), Mirpurkhas, issued an order cancelling the Ex-Post Facto promotions granted to the ten teachers, including nine affected teachers who then filed CP. No. D-660 of 2025, seeking to set aside the cancellation order and suspend its operation. He submitted that the impugned Ex-Post Facto promotions were irregular, unlawful and contrary to departmental policy. The cancellation order dated 08.10.2025 was issued strictly in compliance with judicial directions and inquiry findings, ensuring fairness, transparency, and adherence to law. Therefore, the instant petition is misconceived, devoid of any merit and is liable to be dismissed.

4. It is well-settled law that once a promotion has been granted and benefits enjoyed, the affected person acquires a vested right which cannot be taken away without due process, especially without giving them meaningful opportunity of hearing. The cancellation of promotions without

separate notices and hearing was unlawful. While a competent authority may in certain circumstances, rescind or revisit an illegal or irregular promotion, such action cannot be taken arbitrarily or without compliance with the law, including natural justice, show-cause notice, valid reasoning and formal procedure. The Petitioners were promoted (on 28.04.2022) and have served as HSTs. The impugned cancellation Order dated 08.10.2025 was passed without giving them any notice or hearing, contrary to the direction of this Court (21.05.2025) and without compliance with Article 10-A of the Constitution. The Respondents' action, therefore, appears arbitrary, unlawful, and in clear violation of the Petitioners' fundamental rights. Unless the authority can justify that the original promotion was irregular/illegal that it must be cancelled after following the procedure (including hearing of the affected parties), the Petitioners' stance is stronger in law.

5. In light of the above, the cancellation order dated 08.10.2025 is declared illegal and set aside, or at the very least, the matter is remitted to the competent authority for fresh consideration in accordance with law (including providing the Petitioners a proper hearing). The Petitioners are entitled to suspension of the impugned order till final adjudication within three months. Accordingly the same shall remain suspended for this period

6. The petition stands disposed of in the aforesaid terms.

JUDGE

JUDGE