

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

CP No. D- 1573 of 2021
[Mst. Sarwat Afza v. Province of Sindh & others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Mr. Khalil Ahmed Unar, advocate for the petitioner

Mr. Rafique Ahmed Dahri, Assistant A.G. Sindh a/w Regional Director
Colleges Hyderabad, Professor Mustafa Kamal Pathan

Date of hearing & decision: 27.11.2025

ORDER

ADNAN-UL-KARIM MEMON J.- Captioned petition was disposed of
vide Order 27.01.2022 with the following directions:

“ Through the present petition, the petitioner has prayed for correction in the seniority list issued by the Department through a letter dated 09.06.2021, as, according to the claim of the petitioner, her date of appointment has wrongly been mentioned as 27.04.2009 instead of 05.10.2002.

2. Director of Colleges Hyderabad, is present and submits that they have prepared the fresh seniority list for approval. Needless to mention that the seniority list shall be rectified, if there is any mistake/error therein.

Petition stands disposed of accordingly.”

2. Through the listed application bearing M.A. No.7404/2025, counsel for the petitioner alleges non-compliance with the aforesaid directions and prayed for initiation of contempt proceedings against the alleged contemnors.

3. Learned Assistant A.G. Sindh referred to the statement dated 03.11.2025 filed by Secretary, College Education Department, and submitted that the petitioner was appointed as Director Physical Education (BS-16) in 2002, where she was placed at Sr. No. 11 in the merit list below the officers Ms Sarwat Jat and above Ms Safia Khanum; that she was awarded (but not promoted to) BS-17 on the basis of higher qualification; that subsequently, the petitioner was promoted to BS-17 on a regular basis through Notification dated 27.04.2009, in which her name appeared below Ms Zuhra Jabeen and above Ms Safia Khanum. Later on she was promoted to BS-18 via Notification dated 27.04.2022; that in compliance with this Court's directions, a Provisional Seniority List for Senior Director

Physical Education (BS-18) was issued on 26.01.2024, placing her name at appropriate position, i.e., Sr. No. 19, below Ms Sarwat Jat and above Ms Safia Khanum, in accordance with Rule 11 of the Sindh Civil Servants (Probation, Confirmation and Seniority) Rules, 1975. The Final Seniority List was subsequently issued on 27.06.2025, maintaining her position at Sr. No. 19; that the earlier grant of BS-17 was not a promotion but merely a financial upgradation granted to Directors of Physical Education possessing higher qualifications, without affecting seniority. This position is also clarified in office order dated 05.03.2019. The petitioner's regular promotion to BS-17 was given on 27.04.2009 which was accepted by her; that the Court's directions have been fully complied with, therefore, the listed application merits dismissal.

4. We have heard learned counsel for the parties on the listed application and examined the record.

5. The petitioner claims that she was selected by Sindh Public Service Commission for Director Physical Education (BPS-16) through press release dated 28-06-2002, received her offer on 10-08-2002, and joined on 05-10-2002. On acquiring Master's degree (M.H.P.Ed), she was granted BPS-17 from 05.10.2002. In 2007, her name was incorrectly listed in BPS-16 in the seniority list, and despite repeated requests between 2010 and 2021, her seniority was never corrected, while juniors were promoted. The petitioner alleges violation of her constitutional rights.

6. The Secretary, College Education Department, confirming that the petitioner was appointed as Director of Physical Education (BS-16) in 2002 and initially granted BS-17 as a financial upgradation in 2003 without affecting seniority. She was subsequently promoted to BS-17 on a regular basis on 27.04.2009 and later to BS-18 on 27.04.2022. The Provisional and Final Seniority Lists, issued on 26.01.2024 and 27.06.2025, respectively, have placed her correctly at Sr. No. 19 in accordance with Rule 11 of the Sindh Civil Servants (Probation, Confirmation and Seniority) Rules, 1975. If this is the position of the case, it is concluded that this Court's directions have been fully complied with, no case for contempt is made out at this stage, and the M.A. No.7404/2025 is dismissed. However, the petitioner remains at liberty to challenge the outcome of the seniority before the Sindh Service Tribunal if her cause still subsists.

JUDGE

JUDGE