

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

C.P No.D-1979 of 2022

[Farooq vs. The Province of Sindh and Others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Mr. Muhammad Akhtar Ali, advocate for petitioner(s)

Mr. Rafique Ahmed Dahri Assistant A.G Sindh a/w Assistant
Education Officer Primary Badin (Shahzad Ali Jat)

Date of hearing & decision: 20.11.2025

ORDER

ADNAN-UL-KARIM MEMON J.- In this petition, the petitioner seeks a directive against the Education and Literacy Department, requesting that he be issued an offer letter for the position of Primary School Teacher (PST).

2. The petitioner's counsel explains that in 2012, the Government of Sindh's Education and Literacy Department introduced a recruitment policy for hiring teaching and non-teaching staff. Under this policy, appointments were to be made on a Union Council basis. Subsequently, various positions including that of PST were advertised. The petitioner applied for the PST post from Union Council Manik Laghari, Taluka Matli, District Badin. He sat for the NTS test and secured 69 marks. Despite this, he was not considered for appointment, prompting the filing of the present petition. Counsel further argues that this Court may either direct the respondents to issue the offer letter to the petitioner or, alternatively, refer his case to the Department's Grievance Redressal Committee, similar to the directions issued by a Division Bench of this Court in C.P. No. D-1416 of 2020 via order dated 26.01.2022.

3. On the other hand, the learned AAG contends that the petition is not maintainable due to laches. He submits that a series of petitions led by C.P. No. D-868 of 2022 were already dismissed by this Court on similar grounds through a common order dated 29.03.2022. He further states that the petitioner stood at the 48th position on the merit list, whereas only seven vacancies were available in his Union Council, leaving no possibility for his appointment. Based on these grounds, the AAG seeks dismissal of the petition.

4. After hearing the arguments advanced by both sides and upon careful examination of the record, it is evident that the petitioner's claim suffers from the same factual and legal deficiencies that were considered by this Court in *C.P. No.*

D-868 of 2022, wherein a bunch of similar petitions was dismissed on the ground of laches as well as on account of the petitioners' non-availability in the zone of consideration due to limited vacancies.

5. In the present matter, the recruitment process in question pertains to the policy issued in the year 2012. The petitioner participated in the process and obtained 69 marks, but admittedly stood at 48th position on the merit list of his Union Council, where only seven (07) vacancies were available. The petitioner, therefore, did not fall within the range of candidates eligible for appointment strictly on merit. No material has been placed before this Court to show that any candidate with lower merit was appointed in his place or that any irregularity was committed to his disadvantage. Moreover, the petitioner approached this Court after an inordinate and unexplained delay, despite the fact that the recruitment exercise was concluded long ago. This aspect squarely attracts the principle of laches, which has already been applied by this Court in the earlier decision referred to above.

6. In view of the foregoing, and following the same analogy adopted by this Court in C.P. No. D-868 of 2022, the petitioner's claim for issuance of an offer letter is devoid of merit. Since the petitioner was not within the zone of consideration, no direction can be issued to the respondents for appointment. Likewise, the request for referring the matter to the Grievance Redressal Committee also does not arise, as the petitioner's case is barred by laches and falls outside the merit criteria set by the recruitment policy.

7. Consequently, the petition stands dismissed in the same terms as in C.P. No. D-868 of 2022.

JUDGE

JUDGE

Sajjad Ali Jessar