

IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Present:

Mr. Justice Arbab Ali Hakro,
Mr. Justice Muhammad Hasan (Akber).

Constitutional Petition No.D-1299 of 2024

Intiaz Alam Petitioner

Vs.

Province of Sindh and 03 others Respondents

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Mr. Sandeep Kumar Maheshwari, advocate for the petitioner.

Mr. Ayaz Ali Rajpar, A.A.G Sindh a/w DEO ES&HS Tharparkar @ Mithi and DSE ES&HS, Mirpurkhas.

Date of Hearing **25.02.2026.**

Date of Order **25.02.2026.**

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ORDER

Muhammad Hasan (Akber), J:- Through this petition, the petitioner has approached this court with the following relief:-

- a. Direct the respondents to issue offer letter to the petitioner for the post of PST BPS-14 according to policy of phase-wise appointment.
 - b. Award cost to the petitioners.
 - c. Grant any other relief which this Honorable Court deems fit and proper under the circumstances of the case.
2. Notice of this petition was issued to the respondents and in response thereto, respondent No.2 and 3 have filed parawise comments/statements wherein they have denied the allegations levelled by the petitioner and prayed for dismissal of the petition.
3. Learned counsel for the petitioner contended that the petitioner appeared in the recruitment process conducted through SIBA Testing Services (STS) under the Teachers Recruitment Policy, 2021 for the post of

PST (BPS-14) and secured 34 marks, which were later enhanced to 35 marks after grant of one grace mark. He submitted that as per the notified policy for Hard Area candidates, the qualifying mark was 33% and the petitioner fulfilled the said criteria. He further contended that in the phase-wise appointment process certain candidates were issued offer letters whereas the petitioner was illegally excluded despite being eligible. He lastly prayed that the respondents be directed to issue offer letter to the petitioner in accordance with policy.

4. Learned Assistant A.G Sindh contended that the recruitment process was conducted strictly in accordance with the Teachers Recruitment Policy, 2021. He argued that although initially the qualifying marks for Hard Area candidates were reduced to 33%, however, the this Court Sukkur Bench in C.P No. D-297 of 2022 vide order dated 12.01.2023 restrained the Education Department from appointing any candidate securing less than 40 marks in the recruitment process and directed that appointments be made strictly in accordance with the original policy and said order attained finality and directions were issued by the Government for its strict compliance. He further contended that the petitioner secured only 34/35 marks, which is below the minimum threshold of 40 marks, he is not eligible for appointment and the petition is liable to be dismissed.

5. Heard learned counsel for the respective parties and gone through the material available on record.

6. It is an admitted position that the petitioner was given 35 marks after adding grace marks. The subject matter of the petition revolves around the relaxation of qualifying marks to 33% for Hard Area category under Teachers Recruitment Policy, 2021. It is evident from the record that during 1st phase of recruitment (UC based) 19 posts were kept in concerned Union Council and position at merit of petitioner was No.35 while score got by last selected candidate was 46 marks. In the second phase (Taluka based) as well the merit position of petitioner stood at No.76 whereas that of last selected candidate in his Taluka was No.74. Hence, the petitioner was not the part of the zone of selection in both the phases. Moreover, recruitment/appointment of candidates securing less than 40% marks was restrained vide order dated 12.01.2023 passed by this Court

Sukkur Bench in C.P No.D-297 of 2022. The Education Department circulated the aforesaid judicial direction for compliance in letter and spirit. It is worth noting that the petitioner obtained less than 40 marks, and therefore, post the said order no appointment could have been legally made in his favour. It has also been brought on record that vide notification dated 28.02.2025 issued by the School Education & Literacy Department, the waiting period for qualified candidates was extended only till 30.06.2025 and after lapse of the said period, no recommendation could be made from the waiting list.

7. In view of the foregoing discussion and for the reasons recorded hereinabove, this Court finds no merit in the instant petition. Consequently, the instant petition is hereby dismissed alongwith pending application(s), if any.

JUDGE

JUDGE