

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

*Constitutional Petition No. D-263 of 2026.
[M/S Shakeel Ahmed Junejo vs. Government of Sindh and others]*

**Before:-
Mr. Justice Amjad Ali Bohio,
Mr. Justice Ali Haider 'Ada'.**

14.04.2026.

Petitioner Shakeel Ahmed is present in person.

Mr. Zulfiqar Ali Naich, Assistant Advocate General, along with Hafeezullah Memon, Executive Engineer, Public Health engineering Department.

ORDER

Ali Haider 'Ada' J.- Through the instant petition, the petitioner has sought the recall of the tender issued by the Public Health Engineering Department, primarily on the ground that, despite participating in the bidding process pursuant to the Notice Inviting Tender (NIT), he was not declared a successful bidder and, according to him, the contract was awarded to preferred contractors.

2. The petitioner, appearing in person, submits that he had already approached the Complaint Redressal Committee; however, no fruitful outcome has been achieved. He contends that the entire tender process is questionable and therefore seeks its recall.

3. Conversely, learned Assistant Advocate General, while placing reliance upon page No. 35 (Annexure-E) of the petition, submits that the petitioner was declared a disqualified contractor and was duly informed by Respondent No. 3 through a letter dated 04.02.2026. It is further contended that the petitioner filed the grievance application before the said decision and thereafter failed to avail the proper statutory remedy available under the Sindh Public Procurement Rules, 2010. Learned Law Officer argues that in

the presence of an adequate and efficacious alternate remedy, the instant constitutional petition is not maintainable.

4. Heard. Record perused.

5. It transpires from the record that the petitioner had approached the Complaint Redressal Committee in terms of Rule 31 of the Sindh Public Procurement Rules, 2010. However, even in the event of an adverse decision or pendency thereof, a statutory right of appeal is available before the Review Committee under Rule 32, which admittedly has not been availed by the petitioner.

6. Furthermore, it is within the exclusive domain of the procuring agency to evaluate bids and determine the eligibility and qualification of contractors in accordance with the criteria laid down under Rule 27 of the Sindh Public Procurement Rules, 2010. The procuring agency also possesses the discretion to disqualify a bidder under Rule 30, subject to the parameters prescribed therein. Moreover, Rule 30(3) explicitly provides that any grievance arising out of such disqualification may be redressed through the mechanism provided under Rule 31.

7. In the present case, the petitioner was disqualified vide letter dated 04.02.2026; however, thereafter he failed to pursue the statutory remedy available to him under the relevant rules.

8. It is a well-settled principle of law that where an adequate and efficacious alternate remedy is available, the constitutional jurisdiction of this Court is not to be invoked in the normal course. Reliance in this regard is placed upon the judgments reported as **Indus Trading and Contracting Company v. Collector of Customs (Preventive), Karachi and others (2016 SCMR 842)**; **President, All Pakistan Women Association, Peshawar Cantt. v. Muhammad Akbar Awan and others (2020 SCMR 260)**; **Commissioner Inland Revenue and others v. Jahangir Khan Tareen and others (2022 SCMR 92)**; and **Executive Director (P&GS), State Life, Principal**

Office Karachi and others v. Muhammad Nisar, Area Manager, State Life Corporation of Pakistan, Peshawar Zone (2025 SCMR 249).

9. Keeping in view the above facts, circumstances, and legal position, the instant constitutional petition, being devoid of merit, is hereby dismissed.

JUDGE

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