

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1342 of 2026

[Habib Ahmed Mahar v. Province of Sindh and others]

Before:

Justice Arbab Ali Hakro

Justice Nisar Ahmed Bhanbhro

Petitioner by : Mr. Sikandar Sadar Siddiqui, Advocate

Respondents by : Mr. Saeed Ahmed Wassan, Assistant A.G. Sindh along with Dilyawar Soomro, Assistant Education Officer/Focal Person (Courts)/ Litigation Officer, District Education Office (Primary), Ghotki @ Mirpur Mathelo and Abdul Qayoom Tunio, Mukhtiarkar Ubauro, District Ghotki @ Mirpur Mathelo

Date of Hearing : **24.09.2026**

Date of Decision : **24.09.2026**

ORDER

ARBAB ALI HAKRO, J. – The petitioner, Habib Ahmed, asserts that his late father, Qalandar Bux Mahar, was serving as a Chowkidar at Government Girls Primary School Ali Mahar, Taluka Khangarh, District Ghotki, when he expired during service on 13.04.2012. An obituary notice was duly issued under the signature of the Assistant District Officer Education (E/F), Taluka Khangarh. As the petitioner (born on 03.09.2003) and his siblings were minors at the time of their father’s death, the petitioner’s mother submitted an application informing the department of the children’s minority and requesting appointment of the petitioner upon his attaining majority, which was officially endorsed vide Endorsement dated 05.06.2012 by the Assistant District Officer Education (E/F), Khangarh.

2. Upon attaining majority, the petitioner submitted his application for appointment against the deceased quota under Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, endorsed by Respondent No.5 [Taluka Education Officer, Primary (Female), Khangarh] vide Endorsement dated 10.06.2022, addressed to Respondent No.1

(Secretary, School Education & Literacy Department, Government of Sindh, Karachi). The document verification process was initiated vide letter dated 16.05.2022 by the Head Master of the concerned school. Subsequently, Respondent No.2 (Deputy Commissioner, Ghotki @ Mirpur Mathelo) verified the petitioner's documents vide letter dated 31.05.2022 addressed to Respondent No.4 [District Education Officer (Primary), Ghotki @ Mirpur Mathelo]. Respondent No.4 then forwarded the application along with the verified documents vide letter dated 27.07.2022 to Respondent No.3 [Director, School Education (Primary), Sukkur Region], who forwarded the matter to Respondent No.1 vide letter dated 12.08.2022 for final determination.

3. Today, comments on behalf of Respondent No.2 have been filed and taken on record, wherein it is stated that the appointment of the petitioner against the deceased quota falls within the exclusive domain and authority of the Education Department.

4. Learned Counsel for the petitioner submits that the petitioner's case was fully processed and forwarded up to the Administrative Department in the year 2022, well prior to the cut-off date, and that the matter remains pending without any fault on the part of the petitioner.

5. Learned AAG Sindh submits that if the petitioner's case falls within the protective ambit of the law and applicable notifications, the same shall be considered and decided strictly on merit and in accordance with law by the administrative department.

6. We have heard the learned counsel for the petitioner as well as the learned AAG Sindh and perused the material on record.

7. The legal position regarding claims initiated prior to 26.09.2024 stands well settled. The Notification dated 30.04.2026, issued by the Services, General Administration & Coordination Department (Regulations Wing), Government of Sindh, explicitly protects accrued rights arising prior to the omission of Rule 11-A. It expressly mandates that where a right of employment had accrued prior to 26.09.2024, the legal heir shall not be deprived of the accrued benefit and shall be considered and decided at the

level of the Administrative Department, on merit and in accordance with all provisions of the saved Rule 11-A *ibid*.

8. On the admitted facts, the petitioner's father died in service on 13.04.2012; minority was duly intimated on 05.06.2012; and upon attaining majority, the petitioner's claim was fully verified, processed and transmitted up to the Administrative Department vide official letters dated 31.05.2022, 27.07.2022, and 12.08.2022. Thus, the petitioner's right accrued and was actively processed through departmental channels long prior to the cut-off date of 26.09.2024. His case, therefore, falls squarely within the protective ambit of the Notification dated 30.04.2026 and cannot be defeated by the subsequent omission of Rule 11-A.

9. In view of the statutory framework and binding judicial precedents, this petition is **disposed of** referring the matter to Respondent No.1 (Secretary to Government of Sindh, School Education & Literacy Department, Karachi) to consider and decide the petitioner's application strictly in accordance with the saved Rule 11-A, the Notification dated 30.04.2026, and all applicable service rules. The competent authority shall pass a reasoned and speaking order on merit within ninety (90) days from the date of receipt of a copy of this order.

10. Office is directed to communicate a copy of this order to Respondent No.1 for compliance through all available modes, including electronic transmission.

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Abdul Basit