

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition NO.D-3257/2026
(Umar Farooq vs. Government of Sindh and others)

Date _____ Order with signature of Judge _____

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing & order : 02.09.2026

Syed Shahzeel Hassan, Advocate for petitioner.
Mr. Asim Jalil Zubedi, AAG alongwith Allah Ditta Khoso, Litigation Officer,
SE&LD, and Ayaz Baloch, representative of SPSC.

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Adnan-ul-Karim Memon, J: The Petitioner Umar Farooq has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following relief:-

- a) To direct Respondent No.1 to secure the fundamental rights of the petitioner,
- b) To direct the respondents to immediately consider the case of the petitioner for the post of Secondary School Teacher (BPS-16) General Male, Karachi Region and issue an offer Letter to the Petitioner for the above-said post as issued to four other similar candidates mentioned in the requisition of Respondent No.4 dated: 07-10-2025, with the same objections,
- c) To direct the officials respondents to do not made negligence in performing their duties in future and always perform their duties as per law,
- d) Cost of the petition,
- e) Any other relief which this Honorable Court deems fit and proper in favour of the petitioner in the interest of justice.

2. Learned counsel for the petitioner submitted that the petitioner applied for the post of Secondary School Teacher (BPS-16), General Male, Karachi Region, pursuant to Advertisement No.09/2022 dated 11.11.2022. He qualified the written test and interview and was declared successful and fit for appointment in the merit list/press release dated 13.06.2025. His educational and other documents were also duly verified. However, Respondent No.3 did not issue his offer letter on the ground that his Domicile and PRC Form-D had been issued after the prescribed cut-off date. Learned counsel contended that four other candidates facing the same objection were subsequently clarified/processed, whereas the petitioner was discriminated against. He therefore sought a direction to the respondents to consider his case and issue the offer letter.

3. Conversely, learned AAG submitted that the petitioner had no vested or enforceable right to appointment merely by participating in the recruitment

process or being declared successful. It was contended that the recruitment was subject to fulfillment of the prescribed eligibility criteria, recruitment rules and conditions of the advertisement. Since the petitioner's Domicile and PRC Form-D were issued on 22.03.2023, whereas the last date for submission of applications was 14.01.2023, his eligibility required further scrutiny. The AAG maintained that the cases of the other candidates were independently examined and that the clarification furnished by Respondent No.4 did not amount to relaxation or declaration of eligibility. It was further argued that the respondents had acted in accordance with law and that no discrimination, mala fide, arbitrariness or infringement of any fundamental right had been established. Consequently, dismissal of the petition is sought.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. The question for our determination is whether the respondents were justified in determining the candidates' domicile/PRC status and treating a delay of one month or a few days in its issuance as disqualifying under the recruitment rules.

6. It is undisputed that the petitioner participated in the recruitment process pursuant to Advertisement No.09/2022 dated 11.11.2022 and was declared successful. Although mere success in the written test and interview does not create an indefeasible right to appointment, the petitioner possessed the requisite domicile before the cut-off date, while his PRC for District South, Karachi was issued on 22.03.2023, only slightly after the prescribed date. The respondents withheld his appointment solely on the ground of late submission of the PRC. However, SPSC, while clarifying the position on 07.10.2025, recognized that eligibility was subject to verification under the applicable Regulations and that errors or anomalies in recommendations could be rectified under Regulation 149. The delayed issuance of a formal document, where the underlying qualification had already been acquired within the prescribed period, and the delay was beyond the candidate's control, could not by itself defeat eligibility.

7. In the present case, the petitioner's domicile had been issued before the cut-off date and established his residence in the concerned area; the subsequent issuance of the PRC was merely a procedural delay and did not constitute an inherent disqualification under the Recruitment Rules. At most, the petitioner ought to have been allowed to furnish the requisite document. The plea of parity with other candidates, however, cannot independently confer a right to appointment unless supported by the applicable rules. Nevertheless, considering that the petitioner had successfully qualified the recruitment process and that his

appointment was withheld solely due to delayed submission of the PRC, the refusal of appointment by the respondents/DRC was found to be erroneous and unsustainable. Accordingly, the petitioner made out a case for offer of appointment to the post of Secondary School Teacher (BPS-16), General Male, Karachi Region subject to his qualification and eligibility under the law.

8. Summarizing the case in hand, primarily the petitioner was admittedly a successful candidate who had qualified the written test and interview and whose domicile established his residence in District South, Karachi; therefore, the subsequent issuance/submission of PRC Form-D on 22.03.2023, by itself, could not be treated as an inherent disqualification where the underlying entitlement to domicile existed before the cut-off date.

9. The principle enunciated by the Hon'ble Supreme Court in *Jehanzaib Malik v. Balochistan Public Procurement Regulatory Authority* **2018 SCMR 414** supports the proposition that a subsequent issuance of a formal document, where the substantive qualification already existed within the prescribed period, and the delay was beyond the candidate's control, should not defeat an otherwise legitimate claim.

10. Moreover, Regulation 149 of the SPSC (Recruitment Management) Regulations, 2023 empowers the Commission to rectify any omission, error or anomaly in eligibility, merit or recommendations before issuance of offer letters, while Article 25 of the Constitution requires the authorities to act fairly, consistently and without arbitrary discrimination.

11. Since the respondents have not disputed the petitioner's actual residence within the relevant district or his success in the recruitment process, rejection solely on the ground of a short delay in issuance/submission of PRC Form-D, without demonstrating any substantive ineligibility or prejudice to the prescribed quota or merit, is disproportionate, technical and unsustainable in law.

12. Accordingly, the impugned refusal to consider the petitioner for appointment is declared unlawful and without lawful justification, and the competent authority is directed to reconsider and process his case strictly in accordance with the applicable Recruitment Rules and SPSC recommendation and, upon completion of the remaining statutory/codal formalities, issue him the offer of appointment for the post of Secondary School Teacher (BPS-16), General Male, Karachi Region.

13. In view of the foregoing facts and the applicable legal position, the petition is allowed,

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