

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

C. P No. D-153 of 2026

Before
Mr. Justice Riazat Ali Sahar,
Mr. Justice Ali Haider 'Ada',

Petitioner : Suhail Ahmed Kumbhar,
Through Mr. Tufail Ahmed
Kumbhar, Advocate.

Respondents : Province of Sindh & others,
through Mr. Tanveer Ahmed
Khuhawar, Asst. A.G. Sindh.

Date of hearing : 09-09-2026
Date of order : 09-09-2026

ORDER

RIAZAT ALI SAHAR, J.- Through the instant Constitutional Petition, the petitioner has prayed for a writ for appointment as Junior Clerk (BPS-11) in the School Education & Literacy Department, Govt. of Sindh, on the deceased quota under the erstwhile *Rule 11-A* of the Sindh Civil Servants (Appointment, Promotion & Transfer), Rules, 1974 [APT Rules). That provision had been declared unconstitutional by the Supreme Court of Pakistan in the case of *General Post Office, Islamabad v. Muhammad Jalal (PLD 2024 SC 1276)*; whereafter, Rule 11-A was omitted from the APT Rules. However, the learned A.A.G. Sindh, draws attention towards the Order dated 27.02.2026, passed by the Hon'ble Federal Constitutional Court of Pakistan in *F.C.P.L.A.Nos.508, 591, 346, 347, 348, 589, 267, 593, 130 and 353 of 2025 in the case of The Province of Sindh v. Muhammad Rizwan Khan & others* and a recent Notification dated 30.04.2026, issued by the Government of Sindh to insert a proviso to the omission of Rule 11-A, which reads:

"Provided that if a right of employment had already accrued to any of the children or, as the case may be, spouse of the civil servant, he or she shall not be deprived of the benefit accrued to him or her prior to the judgment of the Hon'ble Supreme Court of Pakistan dated 26.09.2024, passed in Civil Petition No. 3390 of 2021. notwithstanding the omission of Rule 11-A thereunder, as observed by the Hon'ble Federal Constitutional Court of Pakistan vide order dated 27.02.2026 in F.C.P.LA Nos. 508, 591,

346, 347, 348, 589, 267, 593, 130 and 353 of 2025, and shall be considered and decided at the level of the Administrative Department, on merit and in accordance with all provisions of omitted Rule 11-A of the Rules *ibid*".

2. Learned Asst. A.G. Sindh submits that reading said notification in conjunction with the Sindh Government Rules of Business, all applications for appointment on the deceased quota will now be decided by the Administrative head of the concerned department, as the father of petitioner expired on 12.10.2021 during service, having length of service for a period of 28 years.
3. In view of the foregoing development, we refer the petitioner to the Secretary to Government of Sindh, School Education & Literacy Department, Karachi, for assessing the petitioner's application under aforesaid Notification dated 30.04.2026.
4. Petition is disposed of in the said terms.

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Qazi Tahir P.A./*