

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No. D-1612 of 2025
[Riaz Ahmed Soomro vs. Province of Sindh and Others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Petitioner:	By Mr. Muhammad Humayoon Khan Advocate
Respondent University:	By M/s Muhammad Arshad Pathan and Safder Hussain Leghari advocate
Private Respondent:	By M/s Ayaz Hussain Tunio and Pervez Tarique Tagar advocates
Province of Sindh:	By Mr. Rafique Ahmed Dahri Assistant A.G. Sindh.
Date of Hearing:	04-12-2025
Date of Judgement:	04-12-2025

ORDER

RIAZAT ALI SAHAR, J: - Through this Constitutional Petition, the petitioner has prayed as under:

- a) Declare that the impugned order dated 17-01-2023 and 28-07-2025 passed by Registrar and Additional Registrar respectively with the Approval of Vice Chancellor [Respondent No. 4] are void ab initio having been processed in an arbitrary and hasty manner, without the observance of due diligence, procedural propriety, and adherence to the principles of natural justice and codified legal requirements.*
- b) Set-aside the impugned order dated 17-01-2023 and 28-07-2025 passed by Registrar and Additional Registrar respectively with the Approval of Vice Chancellor (Respondent No. 4) being void ab initio, having been processed in an arbitrary and hasty manner, without the observance of due diligence, procedural propriety, and adherence to the principles of natural justice and codified legal requirements.*
- c) Restrain the respondents, and in particular Respondent Nos. 3 and 4, from assigning or conferring the additional*

charge of Project Director upon any person, and especially upon Respondent No. 6 whilst in presence of petitioner who occupies the sanctioned post of Project Director.

- d) Suspend the operation of the impugned orders dated 17-01-2023 and 28-07-2025, together with any prior or consequential orders whereby the petitioner was unlawfully relieved from the charge of Project Director and the said charge was irregularly entrusted to any other individual, more particularly Respondent No. 6 till the final disposal of the case.*
- e) Direct the competent and relevant agencies to forthwith initiate an independent and impartial inquiry against the respondents found involved in the financial irregularities, misappropriation of public funds, and blatant misuse of authority, so that the full extent of the financial scam may be unearthed and those responsible may be proceeded against strictly in accordance with law.*
- f) Grant any other relief that this Honourable Court may deem just and proper in the circumstances of the case*

2. Case of the petitioner is that he was appointed as Project Director (BS-20) by the Sindh Agriculture University Tando Jam after completion of lawful process; however, by virtue of impugned orders he has been relieved from the said post while respondent No.6 has been assigned the additional charge of the said post.

3. Learned counsel for the petitioner argued that respondent University through an advertisement invited applications for various posts including the post of Project Director (BS-19/20) [**Subject Post**]; that petitioner being eligible applied for the subject post and after following due process of law which includes evaluation of qualification and experience as well and he was appointed against the subject post vide Order dated 23.12.2015; that he rendered his meritorious services and in recognition thereof he was promoted in BS-20 in accordance with the applicable rules; that the subject post is a sanctioned post falling within the administrative framework of the respondent University; however, vide impugned Order dated 17.01.2023 issued with the approval of Vice Chancellor the respondent No.6, who is blue eyed one, was appointed as Foal Person/Project Coordinator of the HEC Islamabad scheme

Upgradation of Academic Facilities at respondent University while the petitioner was relieved from said assignment, despite the fact that respondent No.6 was/is a junior officer of BS-18, therefore, such action on part of the respondent University was/is ex-facie clear violation of law rather contrary to the established administrative and statutory framework of the University; that the illegalities of respondent University do not come to an end here and surprisingly vide Order dated 28.07.2025 the petitioner was relieved from the additional charge of Project Director ADP scheme Establishment of Khairpur College of Agriculture and Management Sciences Khairpur Mir's and respondent No.6 has been assigned the said additional charge; that such action on part of the respondent University is nothing but amounted to a calculated attempt to undermine the lawful authority of the Project Director and to sabotage the petitioner by conferring fiscal sanctioning powers, administrative control and supervisory responsibilities upon a lower cadre officer, who even lacks the required qualification and experience; that actions of respondents are in violation of Article 4, 9, 14, 25 and 27 of the Constitution of Islamic Republic of Pakistan 1973; that not only this but assignment of a charge of a BS-20 to an officer of BS-18 is against the provisions of Section 5 of Sindh Civil Servants Act 1973 so also against the Rule 9(1) of Sindh Civil Servants (Appointment, Promotion and Transfer) Rules 1974; that even the subject assignment is in clear violation of dicta laid down in the case of Ali Azhar Khan Baloch vs. Province of Sindh reported in 2015 SCMR 456. He prayed for setting aside of the impugned orders.

4. Learned counsel for the University argued that petitioner has no authority to challenge the impugned orders, which relate to withdrawal of additional charge of a post from him while he is still performing his duties to his original post; that petitioner cannot claim additional charge of a post as a vested right, it is the University to look and run its administrative affairs; that withdrawal of additional charge of a post does not call for a judicial review, therefore, petition in hand is liable to be dismissed on this

score alone; that there is no authenticity in the allegations leveled in the petition; that questions of alleged illegal appointments, financial irregularities and breach of statutory have been raised in present lis, which being factual in nature challenge the maintainability of this petition; that petitioner has no locus standi to challenge the impugned orders, therefore, this petition being not maintainable is liable to be dismissed.

5. Learned counsel for respondent No.6 argued that through present petition the petitioner has challenged two orders i.e 17.01.2023 and 28.07.2025, therefore petition suffers from laches and liable to be dismissed; that order dated 24.01.2023 was issued at the time when petitioner was holding the post of Project Engineer (Civil) i.e the same as position, as is being now holding by respondent No.6, but at that time petitioner did not make any hue and cry and accepted the sweets in his favour; that it has been alleged that respondent No.6 is junior officer and has been assigned the charge of Focal Person/Project Coordinator through impugned Order dated 17.01.2023, but the petitioner concealed the fact from this Court that vide letter dated 23.04.2015 he himself was also assigned the charge of Focal Person at the time when he was serving as Project Engineer; that petitioner cannot claim additional charge of a post as a vested right, therefore, this petition being not maintainable is liable to be dismissed.

6. Learned Assistant A.G. submits that respondents No.1 and 2 has no nexus with the affairs of the respondent University, since the University is dealing with the same through its Syndicate and Selection Board.

7. The submissions of both sides have been considered in light of the record and the applicable law. The record reveals, and it is undisputed, that the Project Director post associated with the "Establishment of Khairpur College of Agriculture and Management Sciences" and similar development schemes is an **administrative assignment** given in addition to the substantive duties of the

appointee. The Sindh Agriculture University Act, 1977, under section 28(ix), empowers the Vice Chancellor to take necessary steps for efficient administration, which includes making temporary or additional arrangements for project-related oversight.

8. The distinction between substantive posts and additional assignments is central to adjudicating the present matter. An assignment such as Project Director for a specific development project, particularly one funded externally (e.g., by the Higher Education Commission), is by its very nature an ad hoc or project-specific role that does not carry with it the security or continuity associated with a civil service post. It is well established that “no one can claim a vested right in a temporary assignment,” especially where the same is made for administrative convenience. The principle *nemo dat quod non habet* (one cannot give what one does not have) applies, administrative discretion that is not sourced in statutory entitlement cannot be claimed as an enforceable right.

9. It is trite law that under Article 199 of the Constitution, this Court does not sit as an appellate authority over administrative arrangements made by autonomous institutions unless they are patently arbitrary, discriminatory, or violative of the law. In this case, while the petitioner claims that the appointment of a junior officer to the project post is unfair, he has failed to demonstrate that the Vice Chancellor's decision violated any statutory prescription or mandatory rule requiring seniority-based or merit-based posting for temporary assignments. The Sindh Agriculture University, being an autonomous institution under its own statute, has the authority to structure project oversight as it sees fit within the framework of its governing legislation.

10. As regards the petitioner's claim under Section 5 of the Sindh Civil Servants Act, 1973, and Rule 9(1) of the Sindh Civil Servants (APT) Rules, 1974, these are inapplicable in the present case. The Project Director post under question is not a part of regular cadre service nor is it governed by the Sindh Civil Servants

framework. These legal instruments regulate appointment, promotion, and transfer to substantive civil service posts, and their invocation in a project-based, temporary assignment context is misplaced.

11. That said, while the Court refrains from interfering in the University's administrative discretion, it does bear noting that sound governance, transparency, and technical oversight in development schemes necessitate the appointment of reasonably senior and capable officers. Assigning critical fiscal and administrative responsibility to officers below BPS-19, unless specifically warranted, risks compromising accountability and institutional efficiency in the spirit of improving administrative standards and safeguarding public resources rather than granting relief to the petitioner.

12. It is also a matter of record that the **impugned notifications did not entail dismissal, demotion, or penalty**, nor were they disciplinary in nature. The petitioner retains his substantive post and grade. The action taken merely altered the internal administrative arrangement concerning the oversight of a particular development scheme.

13. We are mindful that in *Ali Azhar Khan Baloch v. Province of Sindh* (2015 SCMR 456), the Hon'ble Supreme Court emphasized the necessity of transparency and merit in permanent appointments. However, the present case does not involve appointment to a cadre post through promotion or transfer but rather concerns **entrustment of an additional role** relating to development project execution. The said judgment is therefore distinguishable.

14. Moreover, this Court takes cognizance of the evolving nature of project management in public sector institutions. Projects often require rapid restructuring based on funding timelines, institutional partnerships, or shifts in deliverables. To rigidly apply

cadre-based rules to such dynamic arrangements would hinder operational efficiency. The Court must strike a balance between legality and functional necessity, particularly when the assignment under challenge is not permanent in nature nor governed by statutory rules.

15. Additionally, this Court is guided by the maxim *actus curiae neminem gravabit*—an act of the court shall prejudice no one. The petitioner has continued to serve in his substantive capacity without any disciplinary or financial prejudice. The mere reallocation of a discretionary additional role, which is administrative in nature, cannot be elevated to a constitutional grievance in the absence of proof of illegality or victimization.

16. While the petitioner argues that the assignment of such roles to junior officers undermines morale and institutional decorum, such concerns, though relevant, do not form the basis of a writ under Article 199 unless linked to a violation of law or denial of fundamental rights. Institutional remedy for such grievances lies with the Syndicate and governance mechanisms of the respondent University, not through judicial substitution of administrative preferences.

17. It must also be appreciated that administrative efficiency sometimes necessitates the entrustment of a role to an officer possessing domain familiarity, project continuity, or stakeholder trust, even if such officer holds a lower substantive rank. Courts should refrain from assessing such administrative reasoning unless the criteria are patently irrational, discriminatory, or mala fide. No such inference arises in the instant case.

18. Finally, the Court must acknowledge that while judicial review under Article 199 serves as a powerful safeguard against administrative abuse, it is not intended to second-guess every internal organizational decision. Deference to institutional autonomy, especially in educational and research bodies, remains a

constitutional value unless compelling legal or constitutional breach is demonstrated, which is not the case herein.

19. That said, we do observe that assigning such a vital role as Project Director of a development scheme funded by the Government or HEC, which includes supervisory and financial responsibilities to an officer of **BPS-18** while bypassing senior officers can lead to administrative and governance issues. Even if the role is temporary or non-cadre, **prudence demands that such responsibility be vested in an officer of at least BPS-19**, given the financial and technical scope involved.

20. While the petitioner's claim to be reinstated to the Project Director assignment is not justiciable, as no vested right is involved and such appointments lie within administrative discretion, we deem it appropriate to record the following **observation and direction**:

The respondent University is directed to ensure that future assignments to the post of Project Director for development schemes, especially where financial sanctioning and supervisory control is involved, are entrusted only to officers not below the rank of BPS-19, possessing relevant qualifications and experience. This process shall be completed within three (03) months of this order.

21. We decline to declare the impugned notifications illegal or void. Nor do we grant relief of reinstatement to the petitioner in the specific project role, as no statutory breach or enforceable right has been demonstrated.

22. Resultantly, the petition is ***dismissed***. However, the above observations and direction shall be treated as binding for future compliance.

JUDGE

JUDGE