

ORDER SHEET  
IN THE HIGH COURT OF SINDH BENCH AT KARACHI  
Constitution Petition No. D-2139 of 2022  
(Ihsan Ali Vs. Province of Sindh & others )

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Before:  
**Muhammad Karim Khan Agha, J;**  
**Adnan-ul-Karim Memon, J**

**Date of hearing and Order: 13-08-2024**

Syed Shoa-un-Nabi, advocate for the petitioner.  
Mr. Sandeep Malani, Assistant Advocate General

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**ORDER**

**ADNAN-UL-KARIM MEMON, J.:** The petitioner is requesting this Court to grant the following relief:

1. Declare that the respondents are bound to issue a posting order to the petitioner as he is declared successful in the written tests conducted by the respondents, and in pursuance of which the petitioner was issued an offer letter.
2. Declare that the petitioner who completed all the requisite formalities for the posts advertised by the respondents be issued a posting order against the post applied for.
2. The petitioner was offered the position of Junior School Teacher (JST) (BPS-9/14) vide offer letter dated 10.7.2006. Despite repeatedly contacting the department, the petitioner was given false assurances that the appointment order would be issued. Citing a legitimate expectation of employment and the state's responsibility to provide transparent job opportunities, the petitioner filed this case on April 2, 2022, after a long delay by the respondents.
3. The petitioner's counsel argues that after 375,000 candidates took a written test for teaching jobs in Sindh, 175,000, including the petitioner, passed. These successful candidates were publicly notified to collect their offer letters from their respective District Coordination Officers (DCOs). A committee of senior officials was then formed to screen the data and credentials of those who were issued offer letters. However till date no appointment order has been issued. He prayed for allowing the petition.
4. We have heard the parties at length on the issue of maintainability of the petition and perused the material available on record.
5. A successful job candidate does not have an absolute right to be appointed. The petitioner's claim is barred by the doctrine of laches because he waited from

2006 to 2022 to file his case. This doctrine holds that a legal right can become unenforceable if not pursued promptly, as excessive delay can create new rights for the opposing party. Therefore, even if an offer was made, the petitioner's failure to act promptly prevents the court from providing relief.

6. In light of the above facts and circumstances of the case, this petition is dismissed with no order as to cost.

JUDGE

HEAD OF COST. BENCHES

Shafi