

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP No. D-2306 of 2025

(Javed Iqbal Barqi v. Province of Sindh & Others)

CP No. D-1533 of 2025

(Ashique Ali Langah v. Province of Sindh & Others)

CP No. D-4197 of 2025

(Waqar Hussain Phulpoto & Another v. Province of Sindh & Others)

DATE:	ORDER WITH SIGNATURE(s) OF JUDGE(s)
-------	-------------------------------------

Before:

**Mr. Justice Muhammad Faisal Kamal Alam
Justice Ms. Sana Akram Minhas**

Petitioner in CP No.D-2306 / 2025 (Javed Iqbal Barqi)	Through Mr. Muhammad Vawda, Advocate
Petitioner in CP No.D-1533 / 2025 (Ashique Ali Langah)	Through Mr. Rafiq Ahmed Kalwar, Advocate
Petitioners in CP No.D-4197 / 2025 (Waqar Hussain Phulpoto & Ashique Ali Langah)	Through Mr. Ali Asadullah Bullo, Advocate

Respondents No.1 to 4 in CP No.D-2306 / 2025

1. Province of Sindh, through Chief Secretary	M/s Sohail Hayat Khan Rana, Rao
2. Province of Sindh, through Secretary	Taj, Rana Muhammad Qaiser &
3. Sindh Environmental Protection Agency	Qazi Ali Athar, Advocates for
4. Waqar Hussain Phulpoto	Respondent No.4

Respondents No.1 to 4 in CP No.D-1533 / 2025:

1. Province of Sindh
2. Environment, Climate Change & Coastal Development
3. Sindh Environmental Protection Agency
4. Provincial Selection Board-1

Respondents No.1 to 4 in CP No.D-4197 / 2025:

1. Province of Sindh
2. Services, General Administration & Coordination Dept.
3. Environment, Climate Change & Coastal Development Dept.
4. Section Officer (G)

Mr. Abdul Jalil A. Zubedi, Additional AG
Sindh, Barrister Sandeep Malani, Assistant
AG Sindh, M/s Bhuromal, Law Officer &
Shaheen Khan, Section Officer.

Date(s) of Hearing: 26-9-2025, 2-10-2025 & 7-10-2025

Date of Decision: 12-11-2025

JUDGMENT

1. **Sana Akram Minhas, J:** Since the primary issue in all three Petitions – viz., the appointment criteria for the post of Director General (“**DG**”), *Sindh Environmental Protection Agency* (“**SEPA**”) – is similar, they are being decided through this common judgment.

Submissions of Respective Petitioners

CP No.D-2306 of 2025 (Petitioner Javed Iqbal Barqi)

2. The Petitioner in CP No.D-2306/2025 has challenged the promotion of private Respondent No.4, Waqar Hussain Phulpoto (“**Incumbent WHP**”), to the post of Additional Director General (“**ADG**”) of SEPA vide Notification dated 24.3.2025, and subsequently his transfer and posting as DG SEPA until further orders, vide Notification dated 2.5.2025.
3. Mr. Muhammad Vawda, learned Advocate for the Petitioner, contends that both these Notifications are in violation of the service structure and prescribed rules governing SEPA. According to him, the structure is regulated by the original recruitment rules, namely Notification dated 17.1.2009 (“**Original Rules 2009**”) and the Incumbent WHP is not qualified to hold the post of DG SEPA, as the eligibility criteria is mentioned under column-4 of the Original Rules 2009; that SEPA is established with a specific object and purpose under a special statute, viz. *Sindh Environmental Protection Act, 2014* (“**Act 2014**”), inter alia, to oversee and implement the affairs relating to environment, quality of air, water, land or noise, and thus the above rules require that the DG should possess a Ph.D. or a post-graduate degree in Environmental Engineering and Environmental Science. Further contends that Incumbent WHP lacks the eligibility criteria as it is not clear from the Parawise Comments of Province of Sindh (Respondent No.1 herein) that how much time he has spent in Grade-17 and above, which could make him eligible for the above post of ADG and DG of SEPA.

CP No.D-1533 of 2025 (Petitioner Ashique Ali Langah)

4. Mr. Rafiq Ahmed Kalwar, learned Counsel representing the Petitioner (Ashique Ali Langah) in CP No.D-1533/2025 has challenged the Notification dated 21.7.2025 (**“Impugned Notification”**) whereby the appointment criteria for the post of DG SEPA have been purportedly altered, and this post is now to be filled by transfer from amongst the cadre officers of “PAS / Ex-PCS / PSS / PMS” (i.e. Pakistan Administrative Service / former Provincial Civil Service / Provincial Service / Provincial Management Service). He maintained that his client, having met both the prescribed academic qualifications and the requisite length of service, was lawfully entitled to promotion as DG, SEPA.
5. Tracing the historical background of the office of the DG SEPA, Counsel referenced the Act 2014, to submit that appointments to the post have consistently been made in accordance with the academic qualifications prescribed in the Original Rules 2009. He referred to the Notification dated 3.10.1994¹ to demonstrate that since inception, the qualification requirements for the post of DG have remained unchanged. Attention was also invited to Notification dated 9.12.2014², whereby Mirza Naeem Ahmed Mughal, then a senior officer/Technical Director (BPS-19), was promoted and posted as DG SEPA (BPS-20) ostensibly under the said Rules. Citing the recently introduced Article 9-A of the *Constitution of Pakistan, 1973*, which enshrines the right to a clean and healthy environment as a fundamental right, he contended that the head of such an agency must be a person equipped with appropriate technical expertise and practical experience in the field. Reliance was placed by him on case law³.

CP No.D-4197 of 2025 (Petitioners Incumbent Waqar Hussain Phulpoto and Ashique Ali Langah)

6. Mr. Ali Asadullah Bullo, learned Advocate representing the Petitioners (viz., Incumbent WHP and Ashique Ali Langah) in CP No.D-4197/2025, has also assailed the same Impugned Notification dated 21.7.2025, as being illegal and without lawful authority. He states that the Incumbent WHP (Petitioner No.1 in CP No.D-4197/2025) being the senior-most officer has been presently promoted as ADG SEPA, and ought to be confirmed in the said position on a regular basis.

¹ At Court File Pg.247 of his Statement dated 29.9.2025 in CP No.D-1533/2025

² At Court File Pg.259 in CP No.D-1533/2025

³ PLD 2018 Lah 364; 2023 SCMR 969; 2024 SCMR 2004 & Order dated 10.3.2022 in CP No.D-6752/2016

7. He referred to the Order of the Hon'ble Supreme Court dated 13.3.2017 in CP No.38/2016 (*Shahab Usto v. Government of Sindh*), attached with the Parawise Comments submitted by the Secretary, Environment, Climate Change and Coastal Development Department (Respondent No.2 in CP No.D-2306/2025). He pointed out that the Supreme Court's Order observed that the post of DG SEPA is a cadre post and directed that a cadre officer be appointed thereto. Counsel explained that the direction of the Supreme Court was given when the post of DG SEPA was a cadre post, which was subsequently removed considering the technical nature of job.

Submissions on behalf of Official Respondents

8. The above arguments have been rebutted by Mr. Abdul Jalil A. Zubedi and Mr. Sandeep Malani, the learned law officers for the Province. They have laid emphasis on the Supreme Court's Order of 13.3.2017 arguing that it had expressed the view that the post of DG SEPA is a cadre post in BPS-20 and directed the Government to appoint a cadre officer on the said post immediately. They averred that it was in light of the Supreme Court's directives that the official Respondents have amended the rules/notifications through the Impugned Notification. They further averred that the Impugned Notification has not been challenged in CP No.D-2306/2025 and, therefore, at least that Petition may be dismissed.
9. Regarding the eligibility criteria/qualification of ADG (BPS-20), Counsel referred to the Notification of 3.1.2020⁴ ("**Notification 2020**") and stated that the Notification 2020 has been issued, inter alia, in partial modification of the Original Rules 2009. Mr. Abdul Jalil A. Zubedi, AAG underscored that although the Impugned Notification purports to have been issued in "*supersession*" of the earlier Notifications, in substance it has been issued *in addition to* them. When specifically questioned by the Court, he reaffirmed that the said Rules 2009 continue to remain intact and operative.
10. Arguments heard and record perused.

Opinion of the Court

11. Since the present controversy revolves around the posts of DG and ADG of SEPA, therefore, their eligibility criteria as mentioned in the Original Rules 2009 (pertaining to appointment of DG) and Notification 2020 (pertaining to

⁴ At Court File Pg.51 (Annex A-4) of Parawise Comments of Respondent No.1 in CP No.D-2306/2025

Sr. No.	Name of Post with BPS	Method of Appointment	Qualification / Experience for Initial Appointment	Age Limit Min. Max.	
01	02	03	04	05	
	Director General (BPS-20)	<p>1) By initial appointment</p> <p>2) By promotion from amongst the Directors (Technical) or Directors (Laboratory) (BPS-19) Environmental Protection Agency Sindh, on seniority cum fitness basis having at least five years experience as such.</p>	<p>a) Ph.D. in Environmental Engineering or Environmental Science from a recognized University with at least ten years experience in research or Teaching and Management of Projects pertaining to environmental issues specially environmental protection and resource management</p> <p>OR</p> <p>b) Post Graduation Degree in Environmental Engineering or Environmental Science from a recognized University at least in Second Division with at least fifteen years experience with environmental issues specially environmental protection and resource management</p>	<u>40</u>	<u>50</u>

Sr. No.	Name of Post with BPS	Method of Appointment	Qualification and Experience	Age Limit (Min-Max)
01	02	03	04	05
01.	Additional Director General (BPS-20)	By promotion from amongst the Directors (Technical) & Director (Lab) BPS-19, having service minimum of seventeen (17) years in BPS-17 and above or at least twelve (12) years of service in BPS-18 (If directly appointed in BPS-18) with mandatory training of Senior Management Course (SMC) from National Institute of Management (NIM), on seniority cum fitness basis	-----	-----

12. We first advert to the issue arising from the Order of the Hon'ble Supreme Court dated 13.3.2017, passed in CP No.38/2016 (*Shahab Usto v. Government of Sindh*) and finally disposed of on 16.3.2017, wherein it was held that the post of DG SEPA is a cadre post, and a direction was issued for

the appointment of a cadre officer thereto. The relevant portion of the said Order is reproduced below for precision:

13-3-2017

5. *The Director General ("DG") SEPA, who is present in Court, states that for the last several years SEPA's state-of-the-art laboratory is not functional for lack of running costs. In response to our query, he also informed us that SEPA has 205 employees: It is reasonable to say that in the absence of a functioning laboratory it is not possible for SEPA to administer and implement its functions as stipulated in the Sindh Environmental Protection Act, 2014 ("the Act") and particularly its duties mandated by section 6. Under such circumstances we are constrained to observe that DG, SEPA, who has been in this post for several years and with SEPA since 1995, has demonstrably failed to fulfill the statutory mandate of the Act. The post of DG of SEPA is a cadre post in basic pay scale (BPS) 20, however, the person holding the post is not such an officer. The Government of Sindh is directed to appoint a cadre officer of the said pay scale on the post immediately and report compliance within 7 days. We further direct that SEPA's laboratory be made functional without any further loss of time. Compliance report be submitted within one month.*

13. An examination of the record brings to light the following position:
- i) At the time when the aforesaid Order of 13.3.2017 was passed by the Supreme Court, the post of DG SEPA was duly reflected in the then Cadre List issued by Services, General Administration and Coordination Department ("**SGA&CD**"), but the said post was then being held by Mirza Naeem Ahmed Mughal, a non-cadre officer (who was Director Technical (BS-19) and was promoted to the post of DG (BS-20) vide Notification dated 9.12.2014).
 - ii) The Supreme Court was palpably dissatisfied with the performance of Mirza Naeem Ahmed Mughal as noted in Supreme Court's subsequent Order dated 16.3.2017 (reported in **2017 SCMR 732**) while disposing of the said CP:

16-3-2017

34. *After going through the portion of the aforesaid report of the Commission, we have reached the conclusion that D.G, SEPA Mr. Naeem Ahmed Mughal has never put in hard work nor made any serious effort to make functional a well equipped laboratory in Karachi. He failed to offer any plausible explanation to this Court. We on inquiry were informed that he was not even eligible to hold office of D.G, SEPA as he was not a cadre officer. We, therefore, had directed to replace Mr. Naeem Ahmed Mughal with a cadre*

officer of good administrative skill to make functional not only laboratories of SEPA but other responsibilities in terms of the Sindh Environmental Protection Act, 2014 and the Rules framed thereunder to save this Province from environmental hazards to save the public of the Province from pollution and prepare environmental policies.

- iii) On 19.5.2017, a communication was issued on behalf of the Secretary, Environment, Climate Change and Coastal Development, pointing out that the post of DG SEPA, is technical in nature, and that the posting of a person possessing sound professional expertise would be more beneficial for the institution.
- iv) Thereafter, on 6.7.2017, the recommendation was approved by the Chief Minister, Sindh, whereby the post of DG was excluded from the cadre schedule, and it was decided that the post would be filled in accordance with the Original Rules 2009.
- v) Consequently, on 10.7.2017, the post of DG SEPA was formally excluded from the cadre schedule of the SGA&CD and was allowed to be filled under the Original Rules 2009.
- vi) Starting from 10.7.2017 (when the post of DG SEPA was formally excluded from the cadre schedule), a series of Notifications⁵ were issued from time to time dated 3.10.2018, 10.11.2022, 23.2.2023 and 18.4.2024. Each of these Notifications, containing the updated cadre strength/list of posts, consistently reflect that the post of DG SEPA is not included therein.
- vii) Despite the above, Mirza Naeem Ahmed Mughal – a non-cadre officer, as observed in the Supreme Court's aforementioned Orders – continued to comfortably hold the office of DG SEPA until his retirement upon attaining the age of superannuation with effect from 27.3.2025.
- viii) This position (that is, the exclusion of the post of DG SEPA from the cadre schedule) remained unchanged even thereafter, when the Incumbent WHP, was appointed as Acting DG SEPA (by Notification dated 2.5.2025) following the retirement of Mirza Naeem Ahmed Mughal.
- ix) Subsequently, on 21.7.2025, the Government of Sindh issued the Impugned Notification, whereby the post of DG SEPA was once again

⁵ Available on record of CP No.D-1533/2025

inserted into the cadre list as a cadre post, purportedly in reliance upon the Supreme Court's earlier Orders dated 13.3.2017 and 16.3.2017.

14. This fluctuating and inconsistent sequence of actions unmistakably demonstrates that the Government of Sindh has invoked and implemented the Supreme Court's Orders selectively – using them as a matter of convenience rather than compliance. When it suited the Government's purpose, the Orders were rendered innocuous by removing the post of DG SEPA from the cadre list, thereby ensuring that its favoured officer (Mirza Naeem Ahmed Mughal) could continue unhindered as DG SEPA despite the Supreme Court's clear directives. Now, with equal expedience, the same Orders are being resurrected and relied upon to reinsert the post into the cadre list – seemingly to once again facilitate the appointment of an individual of the Government's choosing, rather than one based on merit, competence, or due process.
15. Such conduct amounts to a blatant manipulation of judicial directives and administrative authority, betraying a lack of good faith and demonstrating a clear disregard for the sanctity of the Supreme Court's Orders.
16. Ironically, the selective reverence shown towards the Supreme Court's aforesaid Order dated 16.3.2017 – invoked only when convenient – is evident from yet another instance. This very Court, on 17.10.2025, while dismissing CP No.D-2482/2024 (*Janib v. Province of Sindh & Others*) dealt with a strikingly similar matter wherein the petitioner had challenged the appointment of a non-cadre officer as Secretary, Irrigation Department, seeking implementation of the very same Supreme Court Order of 16.3.2017 (specifically, its paragraph 7)⁶, which categorically directed that the said post, being a cadre position, must be filled from amongst cadre officers. Yet, in that case, the Government of Sindh (in its Comments dated 5.5.2025 filed through Ghulam Ali Brahmani, Secretary (Services), SGA&CD) found it perfectly reasonable to ignore the Supreme Court's clear directive and instead justified the appointment of a non-cadre Secretary by invoking the post's so-called “*purely technical*” nature – fortified by a nostalgic reference to past precedents of earlier departures from the prescribed legal framework. It is, therefore, disingenuous of the Government to now affect an air of pious obedience in the instant Petitions to the very same Supreme Court Order when it comes to the appointment of DG, SEPA.

⁶ Paragraph 7 of Order dated 16.3.2017: “It was during the hearing of this Petition that we had noticed that the position of Secretary Irrigation, which is a cadre post in terms of the Schedule notified by the S&GAD, was occupied by a non-cadre officer. We, therefore, directed the Sindh Government to immediately appoint a cadre officer as Secretary Irrigation Department. Likewise, the officer who was heading the Karachi Water & Sewerage Board as MD, was also not qualified to hold the office as he was not a cadre officer and we directed his immediate replacement. Similarly, office of the DG, Sindh Environmental Protection Agency (SEPA) was a cadre post and we directed to immediately post a cadre officer as DG, SEPA.”

17. We next come to the crucial point of qualification and experience for appointment of DG SEPA – both by way of initial appointment and by promotion – as laid down in the Original Rules 2009 (extracted in paragraph 11 above). Its scrutiny brings to light the following:
- i) **By way of initial appointment:** A Ph.D. or Master's in environmental disciplines ensures that the appointee possesses deep technical and scientific understanding of complex environmental systems, pollution control, and sustainable resource management. This coupled with the requirement of a specified length of experience ensures that the appointee has substantial hands-on knowledge in research, teaching, or managing environmental projects.
 - ii) **By way of promotion:** The post of DG SEPA can be filled by promotion from within SEPA, specifically from among the Directors (Technical) or Directors (Laboratory) who are serving in BPS-19. This provision secures that experienced technical officers within SEPA have a clear pathway to rise to the top position. It recognizes and rewards long-term service, institutional knowledge, and technical contribution. Limiting promotion to Directors (Technical) and Directors (Laboratory) ensures that the DG SEPA has a strong technical background and deep understanding of environmental issues, laboratory procedures, and regulatory mechanisms. This maintains technical leadership at the highest administrative level. The experience threshold ensures that the promoted officer has sufficient managerial, supervisory, and field experience before assuming overall charge of the Agency. The seniority-cum-fitness principle (i.e. length of service-cum-merit and capability) provides a balance and prevents purely seniority-based promotion while ensuring that capable and competent officers are not overlooked. Restricting promotion eligibility to internal technical officers helps maintain institutional integrity and professionalism within SEPA, avoiding arbitrary or politically motivated appointments from outside the cadre.
18. In essence, these qualifications of the appointee are designed to ensure that the DG SEPA is not merely an administrative head, but a technically skilled environmental expert capable of making informed, independent, and scientifically sound decisions for the protection and sustainable management of Sindh's environment. Environmental governance involves multidisciplinary challenges – legal, technical, social, and developmental. Technical expertise includes but is not limited to education – it covers both academic qualifications and practical experience in a specialized technical field. If a person only has the educational degree but no relevant practical experience, they may have

academic knowledge but lack technical expertise in practice. Conversely, someone with administrative experience but no formal education in environmental science or engineering would lack the scientific and technical foundation essential for informed environmental decision-making.

19. Coming now to the Impugned Notification, it prescribes the method of appointment to the post of DG SEPA as being “*by transfer from amongst the cadre officers of PAS / Ex-PCS / PSS / PMS*”. While it does not stipulate any qualification and/or experience required for the post, it is evident that the earlier prescribed criteria under the Original Rules 2009 – requiring advanced academic qualifications in Environmental Engineering or Environmental Science and substantial experience in environmental research, teaching, or project management – have been completely omitted. This omission has the further effect of diluting the technical and professional requirements that were originally deemed essential for the post. Far from raising the bar – or even maintaining the originally prescribed standards of 2009 – the Government has, in fact, lowered them, thereby undermining the very purpose for which such qualifications were instituted: to ensure that the position of DG SEPA is held by a person of requisite technical expertise and professional competence.
20. By allowing appointment solely from among administrative service cadres, without insisting upon any technical background or expertise in environmental disciplines, the Impugned Notification effectively transforms a specialized technical post into a purely administrative one. Such an approach not only defeats the legislative intent behind establishing SEPA as a technically driven regulatory body but also undermines the autonomy and professional integrity of the institution tasked with implementing complex environmental laws and policies.
21. Consequently, the Impugned Notification is defective for the reason that it omits and thereby dilutes the essential academic and technical qualifications earlier prescribed for appointment to the post of DG SEPA, under the Original Rules 2009. By failing to incorporate any corresponding standards of professional competence, the Impugned Notification creates an inconsistency with the statutory scheme and the legislative intent underlying the establishment of SEPA as a technically driven regulatory authority.
22. Additionally, keeping the high academic qualifications intact for initial appointments, while omitting any such requirement for those appointed through the Impugned Notification, creates a clear anomaly and disparity within the same service structure. It results in a situation where officers entering SEPA through direct recruitment are required to possess advanced academic and technical credentials, whereas those appointed through

transfer under the Impugned Notification may hold no such qualifications. This incongruity not only undermines the principle of parity and fairness within the service but also erodes the technical character of the post itself. It further discourages merit-based progression of technically qualified officers within SEPA and disrupts the internal career structure envisaged by the Original Rules 2009. In effect, such inconsistency creates an uneven and irrational distinction between two categories of officers performing identical statutory functions, which cannot be sustained on any intelligible or policy-based justification.

23. However, we see no necessity to strike down the Impugned Notification in light of the statement made by the learned law officer of the Province (recorded in paragraph 9 above), affirming that the Impugned Notification is intended to *supplement* and not *supersede* the earlier Notifications, and that the Original Rules 2009 continue to remain operative. Consequently, since the framework governing appointments to the post of DG SEPA – whether by way of initial appointment or promotion – remains unaffected, the interests of all eligible officers aspiring for promotion, including the Incumbent WHP and Ashique Ali Langah, stand duly safeguarded. Their positions, eligibility, and prospects for career progression are to be assessed strictly in accordance with the Original Rules of 2009, and they accordingly remain within consideration for appointment to the said post.
24. **As a result, we hold that the provisions of the Original Rules 2009 relating to the prescribed qualifications, experience, and method of appointment for the post of DG SEPA, shall prevail and must be read conjointly with the Impugned Notification. The eligibility and appointment to the said post of DG shall, therefore, remain subject to the technical and professional criteria originally stipulated therein, ensuring that the office of DG SEPA, continues to be held by a person possessing the requisite academic background, experience, and technical expertise envisaged under the law.**
25. Accordingly, even if the Impugned Notification of 21.7.2025 is to be given effect, it must be understood as supplementary to, and not in derogation of the Original Rules 2009. The educational and experiential criteria laid down in the latter must, therefore, be read into the Impugned Notification to ensure that the post of DG SEPA continues to be filled by a person possessing the requisite technical competence, professional experience, and subject-matter expertise envisaged under the original framework.
26. Any construction of the Impugned Notification as having abrogated or dispensed with the earlier prescribed qualifications would transgress the limits

of the statutory purpose and object it was meant to advance, amounting to a rollback, a regression of professional standards and subverting the legislative design of maintaining SEPA as a specialized, science-based regulatory institution.

27. Insofar as the promotion of the Incumbent WHP to the post of ADG, SEPA is concerned, we have examined the record, including the Working Paper of November 2024⁷ and the Minutes of Meeting of Provincial Selection Board-I held on 5.3.2025⁸. The said documents are silent on the subject of mandatory courses and do not disclose the crucial fact as to whether he fulfils the eligibility criteria prescribed in the Notification 2020 (as reproduced in paragraph 11 above) and has completed the requisite courses. Accordingly, his appointment as ADG, SEPA shall be re-examined by the Respondents No.1 and 2.
28. As for the academic credentials of the Incumbent WHP and Ashique Ali Langah, it is noted that the former holds a Master's degree in Engineering (M.E.) from the *Asian Institute of Technology, Thailand* (conferred on 18.4.1997), whereas the latter holds a Ph.D. in Chemistry from the *Federal Urdu University of Arts, Sciences and Technology* (conferred on 10.8.2011). Whether these qualifications are obtained from institutions duly recognized by the *Higher Education Commission of Pakistan ("HECP")*, and whether they satisfy the prescribed technical, professional, and experiential criteria prescribed for appointment to the post of DG SEPA, shall be determined by the HECP. Once such determination is received, the competent authority of the Government of Sindh shall consider the same and take a decision regarding the eligibility and suitability of the concerned officers strictly in accordance with the Original Rules 2009 and the applicable law.

Conclusion

29. In light of the foregoing discussion, the three Petitions and all pending application(s) stand **disposed of** with no order as to costs, as follows:
 - i) The Impugned Notification dated 21.7.2025 shall be construed as supplementary to, and not in supersession of, the earlier Notifications or the Original Rules 2009, which shall continue to remain operative.

⁷ Filed with the Comments of Respondent No.1 dated 17.9.2025 in CP No.D-2306/2025

⁸ At Court File Pg.229 of CP No.D-2306/2025

- ii) The educational and experiential qualifications prescribed under the Original Rules 2009 shall be *read into* the Impugned Notification to ensure that the post of DG, SEPA, is held by a person possessing the requisite technical competence, professional experience, and subject-matter expertise envisaged under the law.
- iii) Any interpretation treating the Impugned Notification as having disregarded or diluted such qualifications shall be regarded as contrary to its statutory purpose and to the legislative intent and object underlying the establishment of SEPA as a technically driven and scientifically guided regulatory institution.
- iv) The HECP shall, upon receipt of a certified copy of this Judgment and all relevant documents, determine within **four (4) weeks** whether the academic credentials of the incumbent Waqar Hussain Phulpoto and Ashique Ali Langah meet the requisite recognition and qualification standards prescribed for the post of DG, SEPA keeping in view the foregoing discussion. The office of the Advocate General Sindh shall communicate this Judgment along with the relevant documents to the HECP within **one (1) week** from today. Upon receipt of such determination, the competent authority in the Government of Sindh shall, within **eight (8) weeks**, consider and decide upon the eligibility, suitability and confirmation of the concerned officers strictly in accordance with the Original Rules 2009 and the applicable law.
- v) In the meantime, the existing administrative arrangements shall continue without prejudice to the rights or claims of either officer, until a final decision is made by the competent authority – unless any defect is found earlier in the qualifications of the incumbent Waqar Hussain Phulpoto.

JUDGE

JUDGE