

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA**

Constitution Petition No.D-1069 of 2017

| Date | Order with signature of Judge |
|------|-------------------------------|
|------|-------------------------------|

**Before;**

*Mr. Justice Arbab Ali Hakro;*

*Mr. Justice Abdul Hamid Bhurgri.*

Petitioner : Muhammad Murad son of Mehar Khan  
Panhwar, through Mr. Ashfaq Hussain  
Abro, Advocate.

Respondents : District Education Officer and 4 others.  
through Mr. Liaquat Ali Shar, Additional  
Advocate General Sindh.

***Date of Hearing*** : ***14.10.2025.***

***Date of Order*** : ***14.10.2025.***

**ORDER**

***Abdul Hamid Bhurgri, J.-*** Through this petition, the petitioner seeks direction to the official respondents to issue an appointment order in his favour for the post of Primary School Teacher (PST) under the recruitment process initiated in 2012 for UC-2, Taluka Ratodero, District Larkana. The petitioner claims to have secured 87 marks and was issued an offer letter dated 27.11.2014, following which he submitted the required documents. However, no appointment order was issued.

2. Respondents in their comments admit the issuance of the offer letter but contend that it was issued by oversight and subsequently cancelled through letter dated 18.12.2014, upon a complaint that another candidate, having the same score, possessed higher qualifications and was older in age. As per the Teacher Recruitment Policy, 2012, in cases of tied scores, preference is to be given to candidates with higher qualifications and greater age. Accordingly, the complainant and others meeting such criteria were appointed. It is further submitted that the recruitment was part of a World Bank-funded project and governed by specific rules under the Teacher Recruitment Policy, 2012. The project-based recruitment was for a fixed term of three years, which has since concluded. The process was completed as per applicable rules and policy guidelines.

3. Learned counsel for the petitioner contends that the issuance of the offer letter created a legitimate expectation of appointment, and the refusal to issue an appointment order was arbitrary and malafide.

4. Learned AAG opposed the petition, arguing that the petition is barred by laches, having been filed in 2017 while the recruitment

process commenced in 2012; the contractual nature of the appointment and conclusion of the project render the prayer infructuous; under the applicable policy, preference was rightly given to better-qualified and older candidates.

5. We have heard learned counsel for the parties and examined the record.

6. The petitioner approached this Court seeking issuance of an appointment order pursuant to the Teacher Recruitment Policy of 2012. However, it is an undisputed fact that he did so after an inordinate delay of five years. Except for a vague and unsubstantiated assertion that he was kept on "hollow hopes" by the respondents, no plausible explanation has been furnished to justify the delay. It is well settled that laches is fatal where, during the intervening period, rights have accrued in favour of others-as is the case here, where appointments were made in accordance with the applicable policy. On this ground alone, the petition is liable to be dismissed on account of laches. Reliance is placed on **State Bank of Pakistan through Governor and another v. Imtiaz Ali Khan and others (PLJ 2012 SC 289)**, wherein the Honourable apex Court has held as follows:-

*“---Laches was a doctrine whereunder a party which may have a right, which was otherwise enforceable, loses such right to the extent of its endorsement, if it was found by the Court of law that its case was hit by the doctrine of laches/limitation---Right remains with the party, but he cannot enforce it-Limitation is examined by the Limitation Act, 1908 or by special laws which have inbuilt provisions for seeking relief against any grievance within the time specified under the law and if party aggrieved does not approach the appropriate forum within the stipulated period/time, the grievance though remains, but it cannot be redressed because if on the one hand there was a right with a party which he could have enforced against the other, but because of principle of Limitation/laches, same right then vests/accrues in favour of the opposite party.”*

The Honourable Supreme Court in the case of **Jawad Mir Muhammad and others v. Haroon Mirza and others reported in PLD 2007 SC 472**, has held as under:-

*“Article 199. Constitution petition. Laches. Principles. Laches per se is not a bar to the constitutional jurisdiction and question of delay in filing would have to be examined with reference to the facts of each case. Question of delay/laches in filing constitutional petition has to be given serious consideration and unless a satisfactory and plausible explanation is forthcoming for delay in filing constitutional petition, the same cannot be overlooked or ignored subject to facts and circumstances of each case”.*

Likewise, in the case of ***Asghar Khan and 5 others v. Province of Sindh through Home Secretary Government of Sindh and 4 others (2014 PLC (C.S) 1292)***, it was held as under:-

*“We feel no hesitation in our mind to hold that the petition is hit by laches. The consideration upon which the court refuses to exercise its discretion where the petition is delayed is not limitation but matters relating to the conduct of parties and change in the situation. Laches in simplest form mean failure of a person to do something which should have been done by him within a reasonable time if remedy of constitutional petition is not availed within reasonable time the interference can be refused on the ground of laches. Even otherwise, grant of relief in writ jurisdiction is discretionary, which is required to be exercised judiciously. No hard and fast rule can be laid down for the exercise of discretion by the Court for grant of refusal for the relief in the exercise of extraordinary jurisdiction”.*

7. Furthermore, the Teacher Recruitment Policy, 2012 clearly provides that in the event of a tie in scores, preference shall be given to those with higher qualifications, which has been followed in this case. Petitioner does not contest that the selected candidates fulfilled these criteria.

8. It is also relevant to note that the recruitment was for contract-based posts for three years under a project funded by the World Bank, which has now concluded as per comments filed by the official respondents. As such, no enforceable claim or relief survives.

9. While the issuance of an offer letter is not denied, it is well settled that issuance of an offer letter alone does not create any vested right to appointment, particularly where the process is governed by clear policy conditions and subject to verification and final approval.

10. It is also pertinent to observe that public sector appointments must strictly adhere to the governing recruitment policies and cannot be granted on the basis of individual expectations, especially when the process is competitive and merit-based. Courts have consistently held that unless the selection process is vitiated by proven illegality, arbitrariness, or malafide, judicial interference is unwarranted. In the present case, the respondents appear to have acted in accordance with the prescribed criteria, particularly in giving preference to more qualified and older candidates where scores were tied.

11. Moreover, the judicial discretion under constitutional jurisdiction is not to be exercised in a manner that disturbs a concluded selection process, especially when third-party rights have been settled and the recruitment project has been closed. The remedy sought would effectively reopen an administrative exercise completed years ago, which

the Court is reluctant to do in the absence of a clear violation of law or fundamental rights.

12. Accordingly, the petition being barred by laches, and in view of the concluded nature of the project, the contractual terms, and applicable policy, is found to be devoid of merit and is ***dismissed***.

JUDGE JUDGE

Irshad Ali M/Steno