

IN THE HIGH COURT OF SINDH KARACHI
CP No.D-5818 of 2014

Date	Order with signature(s) of Judge(s)
Direction	For hearing of CMA No.6408/2025

27.01.2026

Mr. Z.U Mujahid, Advocate a/w Petitioner
M/s. Hakim Ali Shaikh & Sagheer Ahmed Abbasi, AAG Sindh a/w Allah Ditto Khoso, Litigation Officer, Sindh Education & Literacy Department, Government of Sindh

MUHAMMAD SALEEM JESSAR, J. This petition was disposed of vide order dated 14.03.2022, whereby the Secretary School Education and Literacy Department, Government of Sindh, was directed to examine the case of the petitioner, if he is found fit having requisite qualification, issue appointment order to him for the post of Primary School Teacher within three weeks positively.

2. On failure to comply with the Court order, Petitioner preferred CMA No. 6408/2025 seeking initiation of the contempt proceedings against the Secretary, Schools Education and Literacy Department. The contempt petition was disposed of vide order dated 30.04.2025 with an observation that the order dated 14.03.2022 stood complied with.

3. Petitioner challenged the order dated 30.04.2025 before the Hon'ble Supreme Court in Cr. Appeal No.14-K of 2025. The Honorable Supreme Court set aside the order dated 30.04.2025 vide its order dated 19.12.2025 and directed this Court to decide the contempt application afresh, by considering the report dated 09.06.2023 and 15.04.2025 furnished by the alleged contemnors.

4. Heard arguments of the parties through their respective learned Counsel.

5. From perusal of the report dated 09.06.2023 it transpired that the petitioner was recommended for appointment to the post of Primary

School Teacher in Union Council Kandiaro (Urban) by the Secretary School Education Department. For the sake of convenience, Para-5 of the report dated 09.06.2023 is reproduced below:

"5. In the light of aforesaid order dated 08.11.2022 by the Hon'ble High Court Hyderabad on the basis that the petitioner possess Graduation in 2nd Division and also secured 88 marks from UC Kandiaro (Urban) where he stood at 2nd number in the NTS merit list of UC Kandiaro (Urban), Taluka Kandiaro District Naushero Feroze, therefore, he may be appointed to the post of PST at the earliest, under intimation to this department."

6. From the perusal of report dated 15.04.2025, it reflected that the petitioner was heard in person, however, he was denied the appointment for the reasons set-forth in Para-3 of the order. For the sake of convenience, Para-3 of the order dated 15.04.2025 is reproduced below:

"3) Whereas you were provided full opportunity to prove your eligibility for appointment to the post of Primary School Teacher as claimed prayed before Hon'ble Court in the above petition in support of your alleged claim you produced the following certificates, degrees for verification, testimony.

- a) intermediate Certificate issued by the Board of Intermediate and Secondary Education Sukkur Sindh vide Certificate No. HS: 351735 (Humanities) shows you secured "D grade with 468 marks (42. 5%) which depicts "third division"*
- b) The Bachelor Degree of Arts (Pass) under Seat No 51355 was conferred upon you by the Shah Abdul University Khairpur on June 03, 2022 after the cut-off date i.e. 20.5.2012.*
- c) The Marks Certificate and the Pass Certificate for Bachelor Degree of Arts (Pass) shows to have been issued on 28.2.2013.*
- d) The Recruitment Rules, the required qualification for the post of Primary School Teacher was at least intermediate in "Second Division" or graduation from the recognized university."*

7. We have carefully examined both the reports. It is an admitted position on record that the petitioner was having Graduation degree in 2nd class, secured 88 marks in the test conducted by NTS and he was placed at Sr. No.2 in Union Council Kandiaro. Per advertisement,

qualification for appointment to the post of PST was intermediate in 2nd Division or Graduation from a recognized university, however, it was written in advertisement that the graduate candidates shall be given priority.

8. The case of the petitioner for appointment was rejected firstly on the ground that he passed Intermediate in 3rd Division. Secondly when petitioner stressed that he was a Graduate, his credentials were scrutinized and it was held that the petitioner passed the Graduation beyond the cut-off-date viz. 20th May, 2012, therefore, he could not be considered under graduate category.

9. It is quite surprising to notice that the petitioner possessed a graduation degree which he passed in year 2011. From the copies of testimonials/credential placed on record it transpired that the petitioner had appeared in Graduation Examination conducted by Shah Abdul Latif University Khairpur in the month of January, 2010, however, certificates were issued to him in year 2013. The Secretary, School Education and Literacy Department, has assigned reasons for rejection of candidature; that the petitioner was conferred graduation degree in June 2022 and he was issued certificate in year 2013. Upon a cursory glance at the academics certificates available at Page 17 to 19, it can be deduced that the petitioner appeared in B.A Part-II examination in the month of January, 2011, however, Pass and Marks certificate were issued to him on 28.02.2013. Issuance of certificates will not determine the date of passing a degree but it is the date when the result is announced which is year of 2011. The cut-off-date in the recruitment under lis per advertisement was 20th May, 2012. The petitioner passed graduation degree in year 2011 thus per terms and conditions of the advertisement on the cut-off date he was a graduate. We have painstakingly traced the record but do not find that petitioner was conferred graduation degree in year 2022.

10. Pursuant to order 14.03.2022 matter was placed before Secretary School Education & Literacy Department. The Section Officer to the

Secretary, Education & Literacy Department, vide its office dated 09.06.2023 directed the District Education Officer to issue appointment letter to the Petitioner by considering all the aspects of the case of the Petitioner. Secretary School Education & Literacy Department in its order dated 15.04.2025 declined the case of the petitioner for appointment without appraisal of the material on record, least to say that the order dated 15.04.2025 did not find support from the record made available before us, as such not sustainable.

11. Though this is a fit case for award of the costs to the Petitioner and initiation of the contempt proceedings against the alleged contemner as Petitioner was deprived of job and remained in litigation for a period of 12 years, however on the insistence of the Learned AAG that in future the alleged contemnors shall adopt precautionary measures in recruitment process and shall not deprive the meritorious candidates of job in slipshod manner, the court takes a lenient view.

12. . This Court has time and again stressed that recruitment in a government department was purely an internal administrative affair which must be done in a transparent manner leaving no room for a cry and complaint of favoritism. It is expected that respondents shall ensure fairness and transparency in the recruitment at all levels in future.

13. This contempt application is disposed of. The respondents/alleged contemnors are directed to ensure compliance of the Court's order dated 14.03.2022 and issue appointment order to the petitioner for the post of Primary School Teacher within a period of (30) days from the date of this order and furnish such compliance report through MIT-II of this Court for our perusal in chambers. It is made clear that the appointment of petitioner shall not affect the right of any other candidate appointed earlier in the recruitment process of 2012. it is further made clear that during the intervening period if the Petitioner has become overage, his right to appointment shall not be affected for that reason and his upper age limit shall be deemed to

have been condoned, as petitioner has not contributed towards delay in appointment, but entirely responsibility rested on the shoulders of Respondents.

CMA No.6408/2025 is disposed of in the above terms.

JUDGE
HEAD OF CONST. BENHCES

JUDGE

Approved for reporting

Nadir*