

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

***Constitutional Petition No. D – 815 of 2026.
(Abdul Basit Langah vs. Province of Sindh and others)***

***Before:-
Mr. Justice Amjad Ali Bohio,
Mr. Justice Ali Haider 'Ada'.***

1. For orders on CMA No.3156/2026 (U/A)
2. For orders on office objections
3. For orders on CMA No.3157/2026 (E/A)
4. For the hearing of the main case
5. For orders on CMA No.3158/2026. (S/A)

06.05.2026.

Petitioner is present in person

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JUDGMENT

Ali Haider 'Ada' J.- Through this Constitutional Petition, the petitioner has called in question the appointments of Respondents No.5 to 27 as Additional Advocate Generals and Assistant Advocate Generals pursuant to Notification No.S.GENL:6-4/2021 dated 27.04.2026 (impugned herein), issued by Respondent No.3, namely the Secretary, Law, Parliamentary Affairs & Criminal Prosecution Department, Government of Sindh.

2. Petitioner, being an Advocate of this Court, contends that there exists no clear, transparent, or codified mechanism/policy governing the appointments of Additional Advocate Generals and Assistant Advocate Generals; therefore, the appointments of Respondents No.5 to 27 are ex facie illegal, unlawful, and unconstitutional. He submits that such appointments have been made in an arbitrary and discretionary manner, without adopting any transparent, competitive, or merit-based process. He further argued that the impugned appointments are violative of Articles 4, 18, 25, and 240 of the Constitution of the Islamic Republic of Pakistan, 1973, as they offend the principles of fairness, equality,

transparency, and equal opportunity in public employment. He further contends that the august Superior Courts, in a catena of judgments, have consistently held that appointments to public offices are required to be made through a transparent, open, and merit-based process, strictly in accordance with law, and without favoritism or arbitrary exercise of authority. It is further contended that the Government of Sindh, through unfettered discretionary exercise, has made the impugned appointments without adhering to any prescribed procedure or policy framework envisaged under the law. In support of his contentions, learned counsel placed reliance upon Rules 10, 11, 18, and 19 of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, and submitted that the appointments impugned herein are liable to be declared void ab initio and set aside accordingly.

3. Heard and perused the material available on record and thoroughly gone through the relevant legislation and applicable law.

4. At the very outset, it is necessary to examine the nature of the mechanism provided under the relevant legal framework governing the appointments to the posts of Additional Advocate General, Assistant Advocate General, and other Law Officers. In this regard, it would be advantageous to first consider the legislative scheme prevailing at the Federal level, as well as the corresponding enactments framed by the respective Provinces prescribing the method and manner of such appointments.

5. Insofar as the appointments of Central Law Officers are concerned, including the Additional Attorney General, Deputy Attorney General, and Assistant Attorney General, the same are regulated under **The Central Law Officers Ordinance, 1970**. The said Ordinance provides the legal framework governing appointments, terms, and functions of the Central Law Officers representing the Federation before the Superior Courts. Similarly, the legislative enactments and legal provisions framed by the

Provinces regulating appointments of Provincial Law Officers are also required to be examined for proper appreciation of the controversy involved in the instant matter. For ready reference, the relevant legal provisions are reproduced below:-

THE CENTRAL LAW OFFICERS ORDINANCE, 1970

Section 2. Appointment of Central Law Officers.__(1) The President may appoint one or more Additional Attorneys-General, Deputy Attorneys General and 2[Assistant Attorney General] as he may consider necessary.

(2) A person appointed under sub section (1) shall hold office during the pleasure of the President and shall receive such remuneration and shall be subject to such conditions as may be determined by the President.

ISLAMABAD CAPITAL TERRITORY LAW OFFICERS ACT, 2020.

3. Appointment of Law Officers. (1) The Government may appoint such number of Law Officers in the Islamabad Capital Territory as it may consider necessary, for conducting Government litigation in the Supreme Court, High Court, Federal Shariat Court, Federal Service Tribunal and in any other Court in Islamabad Capital Territory.

(2) A Law Officer appointed under sub-section (1), shall hold office during the pleasure of Government and may be removed from office at any time without notice.

(3) A Law Officer shall receive such pay and allowances as the Government may determine.

For The Punjab Province:-

NOTIFICATION

No. SO(Admin-III)12-1/2022-1414.- The Governor of the Punjab is pleased to make the following amendments in the Law Department Manual, with immediate effect:

AMENDMENTS

In the Law Department Manual, in Para 1.18:

1. For sub-para (1), the following shall be substituted:

"(1) The Government may, from time to time, determine the number of Additional Advocate General and Assistant Advocate General. However, at no point in time the total number of Additional Advocate General and Assistant Advocate General shall be more than seventy-five (75)."

2. In sub-para (2):

(a) under the heading "Additional Advocate General", for clause (b), the following shall be substituted:

"(b) he is an Assistant Advocate General; or

(c) (i) he is enrolled as an Advocate of the Supreme Court of Pakistan and has filed or conclusively argued at least five (5) cases before the Supreme Court of Pakistan and also has for a period of not less than ten (10) years been an Advocate of the High Court; and

(ii) he should furnish at least thirty (30) Judgments of cases conducted by him, including five (5) reported Judgments having been argued, in the High Court or the Supreme Court of Pakistan."; and

(b) under the heading "Assistant Advocate General", in clause (b), for sub-clause (il), the following shall be substituted:

"(ii) he, should furnish at least twenty (20) Judgments of cases conducted by him including three (3) reported Judgments having been argued.".

3. After sub-para (2), the following shall be inserted:

"(2-A) An Interview Committee, comprising of the following, shall conduct the final interviews and recommend for the appointment of Additional Advocate. General and Assistant Advocate General:

(a) Minister to be nominated by
the Chief Minister
Chairman

(b) Chief Secretary, Punjab Member

(c) Secretary to Government, Law the Member and Secretary
Parliamentary Affairs Department

(d) Advocate General, Punjab Member Provided that in case the office of the Advocate General Is vacant, a nominee of the Chief Minister, Punjab will form part of the Interview Committee.

(2-B) The recommendations and appointments of the Additional Advocate General and Assistant Advocate General may be reviewed by the Interview Committee, after every six months, on the basis of Performance Evaluation Report to be prepared and submitted by the Advocate General, Punjab.".

4. In sub-para (3), after the word "Pakistan", the following shall be inserted:

"and carries an impeccable record and enjoys good reputation in the legal fraternity".

**BALUCHISTAN PROVINCIAL LAW OFFICERS
(APPOINTMENTS) RULES, 2015.**

3. *Appointment.* – (1) *All appointments to the post of Provincial Law Officers i.e. Additional Advocate General or Assistant Advocate General shall be on contract basis and shall be made by the Government on the recommendation of the Selection Committee constituted under rule 9.*

9. *Constitution of Selection Committee.* – *There Shall be a Committee to search and recommend suitable and efficient Advocates for appointment under these rules, to represent the Government, its Departments and officers and to defend the interest of Government in the High Court, Federal Shariat Court and Supreme Court etc, which shall consist of the following members, namely: –*

1. *The Secretary, Government of Balochistan, Law Department.*

Member/ Chairperson.

2. *The Secretary, Government of Balochistan, Finance Department.*

Member.

3. *The Secretary, Government of Balochistan, Services and General Administration Department.*

Member.

4. *The Advocate General, Balochistan.*

Member.

5. *The Additional/Deputy Secretary (Admn:), Law Department.*

Member/Secretary.

**The KHYBER PAKHTUNKHWA APPOINTMENT OF LAW
OFFICERS ACT, 2014**

3. *Appointment of Law Officers.*---(1) 1[*The Law, Parliamentary Affairs and Human Rights Department with the approval of the Chief Minister*] *may appoint such number of Law Officers in the Province of the Khyber Pakhtunkhwa, as it may consider necessary, for conducting Government litigation in the Supreme Court, High Court, Federal Shariat Court, Services Tribunal, Khyber Pakhtunkhwa and in any other Court in the Province of the Khyber Pakhtunkhwa.*

(2) *A Law Officer appointed under sub-section (1), shall hold office during the pleasure of 2[Chief Minister] and may be removed from office at any time without notice.*

6. Now, insofar as the Province of Sindh is concerned, the appointments to such respective posts are governed by the relevant Rules presently holding the field. Therefore, for proper appreciation of the matter in controversy, it would be appropriate to refer to the relevant provisions regulating the appointments of Provincial Law

Officers within the Province of Sindh. For ready reference, the same are reproduced herein below:-

SINDH LAW OFFICERS (CONDITIONS OF SERVICE) RULES 1940.

3-C. Appointment of Additional Advocate General. The appointment Additional Advocate General shall be made by the Chief Minister from amongst the Lawyers with not less than seven years standing as an Advocate of High Court.].

[3-D. Appointment of Assistant Advocate General. The appointment of Assistant Advocate General shall be made by the Chief Minister from amongst the Lawyers with not less than five years standing as an Advocate High Court]

7. A bare perusal of the entire legislative framework reflects that the appointments to the posts in question fall exclusively within the domain and prerogative of the Government. Such appointments, being governed by the “**Doctrine of Pleasure**”, are primarily regulated by the relevant special enactments and rules framed thereunder, rather than by the conventional civil service structure applicable to regular civil servants.

8. It further appears that the appointments of the Additional Advocate Generals and Assistant Advocate Generals are not appointments made against regular civil service posts; rather, the same are governed by the legislative framework regulating Law Officers, wherein the competent Government enjoys discretionary authority about their appointment, tenure, and continuation in office, subject to the governing statutory provisions.

9. The “*Doctrine of Pleasure*” is a well-recognized principle of common law, the origin of which may be traced back to the constitutional and administrative jurisprudence developed in the United Kingdom. Historically, under the common law, a public servant under the British Crown enjoyed no fixed or vested tenure and held office at the absolute pleasure and discretion of the Crown. The doctrine emanated from the Latin expression “*durante bene placito*” or “*durante bene placito regis*”, meaning thereby, “during

the good pleasure of the King.” The said principle found judicial recognition in *Dunn v. The Queen* [(1896) 1 QB 116], wherein the Court of Appeal affirmed that a servant of the Crown held office during pleasure and could be removed at the discretion of the Crown authority.

10. The scope and rationale of the doctrine was further elaborated by the Privy Council in *Shenton v. Smith* [1895 AC 229 (PC)], wherein it was observed that the doctrine constituted a necessity for the effective functioning of public administration, as the difficulty in removing public functionaries detrimental to the interests of the State would otherwise seriously impede the working of the public service. Consequently, the said doctrine was incorporated into the legal framework of the pre-partition Indian Subcontinent through the Government of India Act, 1935, and thereafter became part of the legal and administrative jurisprudence of both Pakistan and India. Recognition of the said doctrine is consistently reflected in the pronouncements rendered by the Superior Courts of the two jurisdictions.

11. Even under the Constitution of the Islamic Republic of Pakistan, 1973, certain offices are expressly held during the pleasure of the President or the Government, and with regard to such appointments, the doctrine of pleasure continues to have constitutional significance. In this context, the august Supreme Court of Pakistan, in **Muhammad Yasin v. Federation of Pakistan**, **PLD 2012 SC 132**, while discussing the historical evolution, constitutional status, and jurisprudential development of the doctrine of pleasure, observed in paragraphs 28 and 29 as under:-

28. The Executive's ability to make appointments to key positions of authority, and to dispense with the incumbents therein, needs to be examined in historical context as this will facilitate our understanding of the constitutional principle of separation of powers and the importance of judicial review in ensuring adherence to such separation. On account of our colonial legacy and its attendant pattern of governance, this examination takes us back to the pre-independence

dispensation and to the British constitutional scheme. That was a time when almost all important State functionaries including not just the Prime Minister and the Cabinet but also judges and civil servants, were appointed and removed by the British monarch in his absolute unfettered discretion. It is for this reason they were said to "hold office during the King's pleasure". While this vestige of an absolute monarchy receded in Britain on account of emerging democratic conventions, in the colonies it survived. Even after several years of independence, this practice continued, as was manifested by the imperious dissolution of the Constituent Assembly in 1954, by the representative of the British Crown.

29. *Much has changed since then. Pakistan now has a democratic Constitution which provides for the government of laws and not of men. It is for this reason that in our **Constitution there remain few positions where the incumbents "hold office during the pleasure"** of someone else based on broad discretion. In its undiluted form this convention exists only in Article 100(2), Article 101(3) and Article 140(3) which relate to the appointments of a Governor, the Attorney General and the Advocates General respectively. Similarly, such discretionary powers do not exist in those statutes which relate to autonomous regulatory bodies like OGRA.*

12. It may further be observed that the office of Advocate General is constitutionally recognized under **Article 140 of the Constitution of the Islamic Republic of Pakistan, 1973**, whereby the Advocate General is appointed and holds office during the pleasure of the Government. Consequently, the nature of such an appointment is constitutional in character and squarely falls within the ambit of the doctrine of pleasure.

13. Thus, the appointments of Advocate General and other allied Provincial law officers appointed to assist and represent the Government are not governed by the ordinary regime applicable to regular civil servants; rather, such appointments are made based on confidence and discretion of the Government, subject to the legal framework governing the field.

14. Keeping in view the foregoing facts and circumstances, as well as the discussion made hereinabove, it clearly transpires that a complete legislative mechanism is available in the field governing the appointments of the Additional Advocate General and Assistant Advocate General, and such appointments fall within the exclusive

domain and discretion of the Government under the doctrine of pleasure. The instant petition fails to make out any case warranting interference by this Court in the exercise of its constitutional jurisdiction. Consequently, the instant Constitutional Petition, being misconceived, and devoid of merit, is hereby dismissed in *limine* along with all pending application(s).

JUDGE

JUDGE