

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitutional Petition No. D-326 of 2025
[Farooque Ahmed Samejo and others vs. Province of Sindh and others]

Before:-

Mr. Justice Amjad Ali Bohio,
Mr. Justice Ali Haider 'Ada'.

Petitioners : Farooque Ahmed Samejo & others,
through Mr. Achar Khan Gabol,
Advocate.

Respondents : Province of Sindh & others, *through*
Mr. Ali Raza Balouch, Additional
Advocate General along with
Khalid Hussain Shaikh,
Focal Person, Executive Director
STEDA Respondent No.3.
Zain-ul-Abdin, Director, (STEDA),
/ Respondent No.4.

Respondents No.9, 13, 1621, 26, 30,
31, 38, 41, 42, 43,46, 48, 50, 51,53,
61,69, 70, 73, 76, 79, 81, 87, 88, 89, 95,
96, 97, 99, 104, 105, 107, 110, 112,
114, 116, 120, 121, 123, 124, 125, 128,
134, 144, 148, 155, 158, 161, 163, 164,
171 and 175, *through*, Mr. Aqleem
Hyder Shar, Advocate.

Respondents No.67, 74, 84, 141, 146
and 148, *through* Mr. Imtiaz Ali
Abassi, Advocate.

Respondents No.12, 14, 23, 28, 29,
34 and 80, *through* Mr. Sartaj Hyder
Shar, Advocate.

Date of hearing : 18.03.2026.

Date of Decision : 18.03.2026.

Date of Reason : 31.03.2026.

ORDER

Ali Haider 'Ada'J. The petitioners, except Petitioner No.11, (who is a fresh candidate) are serving as Government School Teachers on different posts. They participated in the process for issuance of

Teaching License Certificates pursuant to an advertisement issued by SIBA Testing Services under the Teaching License Policy, 2023. However, they were declared unsuccessful, having failed to qualify on merit. Being aggrieved, they instituted the present petition, challenging not only the merit list but also the entire process. They have also assailed the action of Respondent No.2 (Secretary, Education and Literacy Department, Government of Sindh) in forwarding the names of 195 successful fresh candidates to Respondents No.6 and 7 (Sindh Public Service Commission), seeking a declaration that the same is illegal, null and void. They have further prayed for restraining the authorities from issuing Teaching License Certificates to the successful candidates.

2. Learned counsel for the petitioners contended that Petitioner No.11 is a fresh candidate, while the remaining petitioners are already serving in the Education Department as Junior Elementary School Teachers (JEST) and Primary School Teachers (PST). He submitted that although the Teaching License Policy, 2023, was introduced to enhance professional standards and training, the petitioners were declared unsuccessful because they failed to meet certain criteria allegedly set by the testing authority. It was argued that such criteria were neither disclosed nor communicated before the conduct of the test. He further contended that the requirement of securing 50% marks separately in both MCQs and CRQs components was introduced subsequently, which is contrary to the prescribed procedure. According to him, many petitioners had secured more than 50% marks in aggregate and would have otherwise qualified. On these grounds, he prayed that the entire process be declared illegal and void. Certain documents were also placed on record by the learned counsel, which were taken on record.

3. Conversely, learned counsel appearing on behalf of the successful candidates/private respondents submitted that the entire process was conducted strictly in accordance with the

applicable policy and criteria, which were well known to the candidates. They argued that the candidates participated with full knowledge of the requirements and 646 were declared successful on merit. It was further submitted that, in the case of fresh candidates, the list was duly forwarded to the Sindh Public Service Commission for further process. According to them, the Teaching License Policy, 2023, is lawful and aimed at improving the standard of education. They contended that the petitioners, having participated in the process without objection, cannot subsequently challenge the same after being declared unsuccessful, and thus, the petition is not maintainable. Written objections were also filed and were taken on record.

4. Learned Additional Advocate General submitted that the Teaching License Policy, 2023, was introduced vide notification dated 15.06.2023. He explained that the policy clearly defines various categories and lays down the criteria for the Teaching License Test, including both MCQs and CRQs components, as provided under the policy. He further referred to a letter dated 13.03.2025 issued by the Section Officer (G-III), School Education and Literacy Department, addressed to the Secretary, Sindh Public Service Commission, regarding appointments based on the Teaching License Test conducted by SIBA Testing Services. A synopsis was also filed by the learned Additional Advocate General, which was taken on record.

5. Arguments of the learned counsel for the parties were heard at length. The record, relevant policy and applicable law have been carefully perused.

6. The School Education and Literacy Department, Government of Sindh, introduced the Teaching License Policy-2023 under notification No. SO(G-III)/SE&LD/4-509/2023, Karachi, dated: 15th June 2023, and such policy primarily aims to enhance the quality of education by ensuring that individuals intending to join the

teaching profession, as well as serving teachers seeking to improve their professional and additional competencies, obtain the requisite certification for career advancement and promotion opportunities.

7. In this context, a careful perusal of the policy reveals that it has been framed under the authority of the Sindh Teacher Education Development Authority (**STEDA**), which derives its mandate from the Sindh Teachers Education Development Authority Act, 2012, (**STEDA Act, 2012**). The said Authority has been established under the Act and is legally empowered to formulate and implement policies relating to the professional development and standardization of teachers. Thus, both the Authority and the Government are competent to introduce such a policy.

8. A plain reading of the relevant provisions of the STEDA Act, 2012, makes it evident that one of the principal functions of the Authority is to take necessary measures to enhance the quality of education by improving teachers' training, certification, and professional competence. Therefore, the introduction of the Teaching License Policy, 2023, appears to be in line with the statutory objectives of the Authority. For ready reference, the relevant provision is reproduced as under:-

4. Powers and Functions of the Authority.

(1) *The Authority shall have the powers to –*

(a) *take steps for ensuring planned and coordinated development of teachers education and for the determination and maintenance of standards for teachers education;*

(b) *undertake surveys and studies relating to various aspects of teachers education and publish the results thereof;*

(c) *make recommendations to Government, Universities and accredited institutions for the preparation of suitable plans and programmes in the field of teachers education;*

(d) *lay down guidelines in respect of minimum qualifications for a person to be employed as a teacher in schools or in accredited institutions;*

(e) lay down guidelines for minimum criteria for promotions and career path of the teachers in schools;

(f) lay down norms of specified category of courses or training in teachers education including minimum eligibility criteria for admission thereof and the method of selection of candidates, duration of the course and mode of curriculum;

(g) lay down guidelines for compliance by accredited institution for starting new courses, programmes or training and for providing physical and instructional facilities, staffing pattern and staff qualifications;

(h) lay down and monitor standards of examinations leading to teachers education, criteria for admission to such examinations and schemes of courses or training;

(i) promote and conduct innovation and research in various areas of teachers education and disseminate the results thereof;

(j) examine and review periodically the implementation of the guidelines and standards laid down by the Authority and to advise the accredited institutions;

(k) evolve suitable performance appraisal systems, norms and mechanisms for enforcing accountability on accredited institutions;

(l) formulate the schemes for various levels of teachers education and development programmes;

(m) recommend standards and competencies for all educational professional posts;

(n) design and publish a code of conduct for teachers and other professionals by engaging all concerned including the teachers associations, civil society and the people of the Province for developing and monitoring professional conduct of teachers;

(o) develop the standards and plans for mentors and teachers;

(p) accredit and oversee public and private sector and other service providers for teachers education and professional development.

(q) frame coherent standards for continuing professional development for teachers;

(r) maintain and present reports for teachers, professional development provided to teachers from time to time by maintaining a database for the purpose;

(s) lay down the standards and quality assurance procedures for Initial Teacher Education;

(t) develop policy and take steps for certification of teachers;

(u) take all steps for help in devising self regulation mechanism for teachers education in private sector; and

(v) perform any other function and exercise such powers as may be prescribed.

9. Furthermore, the Act also empowers the Government to issue directions to the Authority for effective implementation of policies and to ensure proper regulation in the field of education. This further strengthens the legal backing of the policy in question. For ease of reference, the relevant provision is reproduced as under:-

5. Government may, as and when it considers necessary, issue directions to the Authority on matters of policy, and such directions shall be binding upon the Authority.

10. It is evident from the record that the Teaching License Policy, 2023, notified earlier, is fully regulated and supported by the enabling provisions of the relevant enactment, and thus carries lawful authority.

11. In the present case, the record reveals that approximately four thousand (4000) candidates participated in the Teaching License Test. Out of them, 646 candidates qualified by securing the requisite passing marks in both the Multiple Choice Questions (MCQs) and Constructed Response Questions (CRQs). Among the successful candidates, 451 were already serving in the teaching cadre, whereas 195 were fresh candidates, whose cases were subsequently referred to the Sindh Public Service Commission for further process. This demonstrates that the process was conducted on a large scale and in a structured manner in accordance with the prescribed policy.

12. The pivotal question, however, is whether the criteria for conducting the test were duly prescribed and made known to the candidates before the examination. In this regard, it is an admitted position that the advertisement was published in December 2023, whereas the Teaching License Policy, 2023 had already been

notified much earlier, i.e., on 15th June 2023. The said policy clearly provided the criteria for the Teaching License Test, including the requirement of qualifying components. For ready reference, the relevant clause is reproduced as under:-

2. Teaching License Test

2.1. *The licensure test will be based on Professional Standards for Teachers at an appropriate level.*

2.2. *The syllabus for the test and a model paper will be published on STEDA's website.*

2.3. *The tests will be developed and administered by a Third Party, which will be appointed by the STEDA based on relevant expertise. The Third Party will preferably be a NACTE accredited organization.*

2.4. *The test has to be aligned with teacher education curriculum in effect at the time of test development.*

2.5. *The tests will be developed to assess both knowledge and pedagogical skills of the applicants. Tests of pedagogical skills can be developed on the pattern of 'Alternate to Practice' tests conducted in various fields.*

2.6. *Applicants can re-appear in the test after at least 6 months or as per the next available test date announced by the STEDA, upon submission of a fresh license fee.*

2.7. *In future, innovative assessment practices will be considered as per the readiness of the system and its teachers, for example: portfolio assessments, classroom observations, recorded practicum etc. Consultations will be carried out when the time is right.*

2.8. *An appropriate teaching license fee and renewal fee will be determined and charged by the STEDA.*

2.9. *Serving or incumbent teachers in the private education sector, who want to obtain teaching license, can also apply as per the requirements laid out in this policy.*

13. Moreover, the record reflects that prior to the conduct of the test, sample papers were uploaded by SIBA Testing Services for the facilitation of candidates. This further indicates that the candidates were adequately informed about the nature, structure, and criteria of the examination. In these circumstances, the petitioners' contention that they were unaware of the selection criteria is not

tenable and appears misconceived. The material available on record clearly suggests that the criteria were already in place, duly notified, and made accessible to all candidates before the examination, thereby negating the plea raised by the petitioners.

14. It is pertinent to note that the framing of the policy and the rules thereunder, admittedly, fall in the executive domain. The Constitution of Islamic Republic of Pakistan is based on the well known principle of trichotomy of powers where legislature is vested with the function of law making, the executive with its enforcement and judiciary of interpreting the law. In this regard, reliance is placed upon the case of **EXECUTIVE DISTRICT OFFICER (REVENUE), DISTRICT KHUSHAB AT JAUHARABAD and others versus IJAZ HUSSAIN and another 2012 PLC(C.S.) 917 [Supreme Court of Pakistan]** as it was held that :-

12. *The principle of trichotomy of powers is one of the foundational values of Constitution of Pakistan and over a passage of time, this Court in several judgments has reiterated its importance as a norm of constitutional law. In Dr. Mobashir Hassan v. Federation of Pakistan (PLD 2010 SC 265), the Court at page 347 held as follows:---*

"It is also to be borne in mind that Constitution envisages the trichotomy of powers amongst three organs of the State, namely the legislature, executive and the judiciary. The legislature is assigned the task of law making, the executive to execute such law and the judiciary to interpret the laws. None of the organs of the State can encroach upon the field of the others. [State v. Ziaur Rahman (PLD 1973 SC 49), Federation of Pakistan v. Saeed Ahmad Khan (PLD 1974 SC 151), Government of Balochistan v. Azizullah Memon (PLD 1993 SC 341), Mahmood Khan Achakzai v. Federation of Pakistan (PLD 1997 SC 426), Liaquat Hussain v. Federation of Pakistan (PLD 1999 SC 504), Syed Zafar Ali Shah v. General Pervez Musharraf (PLD 2000 SC 869), Nazar Abbas Jaffri v. Secy: Government of the Punjab (2006 SCMR 606), Sindh High Court Bar Association's case (PLD 2009 SC 879), Smt. Indra Nehru Ghandi v. Raj Narain (AIR 1975 SC 2299) and Minerva Mills Ltd. v. Union of India (AIR 1980 SC 1789)]."

15. It is also a settled principle of law that the Superior Courts ordinarily refrain from interfering in policy matters. The scope of judicial review in such cases remains limited. The Court may intervene only where it is evident that the policy decision is the result of an arbitrary exercise of authority, is tainted with mala fide, is clearly illegal, or is manifestly unreasonable. Guidance in this regard may be drawn from the judgment of the Hon'ble Supreme Court in **Abdul Hameed and others v. Water and Power Development Authority through Chairman, Lahore and others (2021 SCMR 1230)**, wherein it was held that the Courts should not interfere in policy decisions of the executive unless such decisions are shown to be arbitrary, mala fide, contrary to law, or wholly unreasonable.

16. With regard to the contention that the criteria was not specified in the advertisement, it is observed that the eligibility of a candidate, as well as the criteria for the examination, are to be determined in accordance with the advertisement, the relevant service rules, and such ancillary instructions or policies issued by the Government from time to time. Thus, the mere omission of certain details in the advertisement does not invalidate the process, particularly when the test was conducted in line with the prescribed syllabus, sample paper, and governing policy. This principle stands settled by the Hon'ble Supreme Court in **Government of Punjab through Secretary (S&GAD), Lahore and another v. Zafar Maqbool Khan and others (2012 SCMR 686)**.

17. In addition, it is important to observe that the formulation of policy falls within the exclusive domain of the executive and does not ordinarily lie within the jurisdiction of the Courts, particularly in matters requiring technical expertise. Guidance in this regard may be drawn from **Peshawar Electric Supply Company Ltd. (PESCO) and another v. SS Polypropylene (Pvt.) Ltd., Peshawar and others (PLD 2023 SC 316)**, **Messrs Sadiq Poultry (Pvt.) Ltd. v. Government of Khyber Pakhtunkhwa through Chief Secretary**

and others (PLD 2023 SC 236), and Sikandar Ali and others v. Province of Sindh through Secretary Education and Literacy Department, Sindh Secretariat, Karachi and others (2023 PLC (C.S.) 566), wherein it has been reiterated that policy-making is the function of the executive and not of the judiciary.

18. In view of the foregoing reasons and discussion, there is no justification to interfere with the process or to declare it null and void, as there is neither any indication of arbitrariness nor any compelling justification warranting such intervention. The instant petition was already dismissed vide short order dated 18.03.2026. These are the detailed reasons underlying the said short order.

JUDGE

JUDGE