

**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
**Const. Petition No. D- 3350 of 2014**

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
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Before:

**Mr. Justice Aftab Ahmed Gorar &  
Mr. Justice Fahim Ahmed Siddiqui**

M/s Shabbir Ali Bozdar and Khan Muhammad Sangi Advocates for the petitioner.

Mr. Noor Hassan Malik, Assistant A.G a/w Faiz Ali Jiskani, District Officer (H&S), Khairpur.

**Date of Hearing: 07-04-2021.**

**Date of Order: 07-04-2021**

**ORDER**

**AFTAB AHMED GORAR J.,** Learned counsel for the petitioner submits that in response to advertisement published in daily newspapers inviting applications to the posts of PST, JST and HST in Education Department, the petitioner applied for the post of Junior School Teacher (JST) from Union Council, Hindyari Taluka Thari Mirwah, District Khairpur. He appeared in the written test and was declared successful candidate having secured 82 marks and his name was placed at serial No.1 of the merit-list, issued by the NTS. It is further contended that despite qualifying the prequalification test, the petitioner was not issued appointment order on the ground that the PRC on D-Form produced by the petitioner on verification was found to be fake and bogus by the Deputy Commissioner, Khairpur, hence

petitioner filed this Constitutional Petition for seeking directions against the respondents to appoint him for the post of JST, as he has cleared prequalification test. In support of his contentions, learned counsel relied upon cases of Asim Khan v. Zahir Shah (**2007 SCMR 1451**), and unreported judgment dated 116.11.2016, passed by Peshawar High Court, Peshawar, in W.P.No.3253 of 2016.

2. Pursuant to notices, respondents filed their para-wise comments taking a stance that no doubt the petitioner secured highest marks and his name was placed at serial No.1 of the merit-list, issued by the NTS, but the Domicile and PRC on D-Form, provided by the petitioner were sent to the Deputy Commissioner, Khairpur for verification and vide letter dated 26.09.2014, the Deputy Commissioner confirmed that the PRC on D-Form is fake and bogus, as such the petitioner was not found eligible to be considered for his appointment as JST, hence the claim of the petitioner is not sustainable under the law and the instant petition is liable to be dismissed.

3. As against these comments, petitioner filed affidavit-in-rejoinder taking a plea that along with his documents, he had submitted PRC on D-Form bearing No.3110 dated 24.09.1998 and not

the PRC on D-Form bearing No.1101 dated 07.10.2006, which was found bogus and fake on its verification.

4. We have heard learned counsel for the parties and perused the entire material available on record.

5. Undoubtedly, the petitioner secured highest marks in NTS, but he was not offered employment on the ground that he submitted fake PRC on D-Form bearing No.1101 dated 07.10.2006, but since the petitioner took a plea that he had not submitted his PRC on D-Form dated 07.10.2006 and had submitted his PRC on D-Form dated 24.09.1998, therefore, this Court vide its order dated 01.12.2006 took notice of the same and sought verification of said PRC on D-Form bearing No.1101 dated 07.10.2006, which was reported to be bogus. Again vide order dated 13.09.2017, this Court sent PRC on D-Form dated 24.09.1998 to the Deputy Commissioner, Kharipur for verification and on 11.10.2017, learned AAG placed on record a letter dated 10.10.2017, issued by the Deputy Commissioner, Khairpur to show that entire record pertaining to Domicile and PRC was destroyed in the riots of December, 2007. In such a situation, the petitioner has failed to prove his claim that along with documents, he had produced PRC on D-Form dated 24.09.1998 and not the PRC on D-Form dated 07.10.2006, as according to the verification report of

Deputy Commissioner, Kharipur the entire record pertaining to Domicile and PRC was burnt into ashes in the riots of December, 2007. Furthermore, there is no complaint that the petitioner has been discriminated against and other persons were given the appointment letters. Similarly, the selection process as well as the abovementioned Recruitment Policy of 2012 are also not challenged, being non-transparent or violative of any statute. There is cavil to the proposition as laid down in the case-law relied upon by learned counsel for the petitioner, but it has no relevancy to the facts and circumstances of the case in hand.

6. Learned counsel for the petitioner has failed to point out any irregularity or illegality in the recruitment process for the appointment of JST, which may have deprived the right of appointment of petitioner. However, if the petitioner is still interested to have a career in teachings then he has to wait till vacancies are again advertised by the Education Department, he shall be free to apply again against future vacancies and is required to pass through the prescribed process and mechanism. Accordingly, instant petition being meritless stands dismissed a/w pending application.

**JUDGE**

**JUDGE**

Ahmad