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**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

C.P.No.D-2764 of 2011

For Katcha Peshi

03.10.2012

Mr. Sohail Ahmed Khoso for petitioner.  
Mr. Agha Ather Hussain, Assistant Advocate General  
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Per learned counsel pursuant to advertisement published on 24.9.2008 petitioner applied for the post of Primary School Teacher, appeared in written test and qualified the same and later on he was declared as successful from UC-Agra. His grievance is that though other candidates who applied in similar fashion have been appointed whereas the petitioner has been deprived of his legal rights which amounts to discrimination on the part of the official respondents.

In response to notice, DEO has filed his comments. Perusal of the same would reflect that in UC Agra, taluka Gambat six vacancies were available for appointment for the post of Primary School Teacher and as such six candidates who obtained highest marks were appointed and the last selected candidate had secured 122 marks whereas the petitioner obtained 112 marks, therefore he could not be appointed. At this juncture, learned counsel for petitioner has invited our attention to an order dated 3.3.2011 passed by a Division Bench of this Court in C.P.No.D-906/2010 and states that in terms of paragraph "B" of the said order, the respondents are under obligation to appoint the petitioner as PST as new posts have been created for which respondents have invited applications from the candidates.

Mr. Agha Ather Hussain, Assistant Advocate General in rebuttal submits that no doubt the petitioner had clarified the written test and was declared successful, however, other 58 candidates who obtained higher marks than the petitioner are also not appointed and in case such policy is adopted even then

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petitioner's turn will come after 56 successful candidates are appointed.

In view of this peculiar circumstances of the case we do not find any merit in the instant petition which is accordingly dismissed.



JUDGE



JUDGE

N.M.