

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

CP No. D- 534 of 2025
[Syed Hassan Mehmood v. Province of Sindh & others]

BEFORE:

MR. JUSTICE MUHAMMAD SALEEM JESSAR
MR. JUSTICE NISAR AHMED BHANBHRO

Petitioner: Through, Mr. Ghulam Nabi Meo, Advocate

Respondent : Mr. Muhammad Sharif Solangi, Asstt. A.G.

Date of hearing
& Decision : 29.10.2025

ORDER

NISAR AHMED BHANBHRO, J - It is the case of the petitioner that he participated in Recruitment Process advertised by School Education & Literacy Department, Government of Sindh and secured 49 marks and was declared Pass in the Recruitment Test conducted in the year 2021. The petitioner was not considered for appointment for want of vacancy.

2. Learned counsel for the petitioner submits that the vacancy fell vacant on 27.5.2024 when one Maaz Khan son of Ashfaq Muhammad Khan was appointed as Town Officer and he was relieved from Government Boys High School Bhurghari Mirpurkhas and he being next in turn was entitled for appointment. He moved representation but without fruits.

3. Learned A.A.G assisted by officer present submits that though said Maaz Khan was relieved on 27.5.2024 but he continuously received salaries from the said cost center of his earlier appointment as JEST until 13.6.2025. He prayed for dismissal of the petition.

4. Heard arguments; perused record.

5. When confronted that if the said vacancy is deemed to be lying vacant on account of relieving of Maaz Khan whether the petitioner will be entitled for a job as JEST; the District Education Officer (ES&HS) Mirpurkhas and Director School Education (ES&HS) Mirpurkhas present in court admitted

that if the said vacancy is believed to be lying vacant from 27.5.2024 then the petitioner would be entitled for the job.

5. Meticulous perusal of record leads to an irresistible conclusion that the vacancy of JEST was created in Government Boys High School Bhurgri district Mirpurkhas on the relieving of Maaz Khan the EX-JEST on 27.5.2024 and per record available the last Meeting of District Recruitment Committee was held on 13.6.2025. The entitlement of petitioner for appointment has not been denied. Petitioner has not been considered for appointment with no fault on his part. Though the job is not a vested right of a candidate but once candidate qualifies the recruitment process on merit then his entitlement cannot be denied on any ground which is beyond the bounds of law. From record it is evidenced that the petitioner was entitled for the appointment since 27.5.2024 but the DRC failed to consider his case which violated his fundamental rights guaranteed under Article 4, 9, 25 & 27 of the Constitution of Islamic Republic of Pakistan, 1973. The petitioner has not been dealt with in accordance with law and he has not been met with due process of law.

6. For the aforementioned reasons this petition is allowed. The respondents are directed to convene a meeting of DRC and issue appointment letter to the petitioner for the post of JEST within a period of sixty (60) days from today and submit such compliance report through Additional Registrar of this Court.

Office is directed to send copy of this order to all concerned for compliance.

JUDGE

JUDGE