

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

*C.P No.D-1870 of 2024*

***(Shagufta v. P.O Sindh and others)***

**PRESENT:**

*MR. JUSTICE ZULFIQAR ALI SANGI;*

*MR. JUSTICE RIAZAT ALI SAHAR;*

Petitioner: Shagufta, through Mr. Shafique Ahmed Leghari  
Advocate

Respondents: Through, Mr. Ali Raza Balouch, Additional  
Advocate General Sindh a/w Ghulam Murtaza  
Shah, DEO(ES&HS), Sukkur, Nadir Shahzad,  
Deputy Commissioner Sukkur, Soofi Abdul  
Hafeez Lashari, Director ACE Sukkur Division,  
Jibran Khoso, Mukhtiarkar New-Sukkur and  
Babar Mehmood Bullo, Mukhtiarkar Sukkur

***Date of hearing: 22.10.2025***

***Date of order: 30.10.2025***

## **ORDER**

**ZULFIQAR ALI SANGI, J.-** Through the instant petition, the petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking appropriate directions against the respondents for her appointment to the post of Primary School Teacher (PST), BPS-14.

2. The case of the petitioner, however, pertains to the recruitment process initiated pursuant to an advertisement issued in the year 2021 by the School Education and Literacy Department, Government of Sindh, for the positions of Junior Elementary School Teacher (JEST) and Primary School Teacher (PST), both in BPS-14. It is submitted that the petitioner applied for the post of PST from Taluka New Sukkur through SIBA Testing Service (STS) managed by Sukkur IBA. The qualifying marks for the test were fixed as 40, wherein the petitioner secured 43 marks and thus, successfully qualified. It is further asserted that Respondent No.4 issued the female PST cut-off list for Taluka New Sukkur on 14.05.2024, wherein several candidates belonging to Taluka New Sukkur were included. However, the petitioner's name, despite her being a resident of Taluka New Sukkur, was erroneously reflected in the list pertaining to Taluka City Sukkur. Upon such discovery, the petitioner submitted a representation requesting correction of her taluka classification. Consequently,

Respondent No.4 sought a verification report from Respondent No.5, who obtained confirmation from the concerned Tapedar that the petitioner's residence situated at Mohalla near Quba Masjid, Shikarpur Road, New Goth, indeed falls within the urban limits of Taluka New Sukkur. Such verification stood duly endorsed through official letters bearing Nos. MDRM/PMS-1597/2024 dated 29.02.2024 and DSE/ESGHS/ADMIN-II/378/2024 dated 01.03.2024, directing Respondent No.4 to take necessary action as per law. However, despite formal confirmation and directives, Respondent No.4 failed to rectify the error. Having no other efficacious remedy, the petitioner has approached this Court seeking redressal of her legitimate grievance and prays for the following reliefs:

(a) That this Honourable Court may be pleased to direct the respondent that petitioner residing New-Taluka Sukkur & her appointment considered in her union counsel No.08, as the respondent No.4, did not consider into waiting list issued on 14.05.2024, where the name of petitioner was not shown into list of 14.05.2024.

(b) That this Honourable Court may be pleased to restrain the respondents No.4, not issue appointment order of PST in Taluka New-Sukkur while petitioner called by official respondent to verify the Union Council of petitioner into in above such appointment of PST.

(c) To grant any other relief/relieves, deems fit and proper in circumstances of as the case.

(d) To award the costs of the Petition.

3. Upon issuance of notice, the official respondents submitted para-wise comments contending that Respondent No.4 had sought verification of candidates' addresses from the Deputy Commissioner, Sukkur, who vide letter No.DC/SUKKUR/GB/-6221/2022 dated 10.10.2022, based on the report of Mukhtiarkar (Revenue), Taluka Sukkur City bearing No. 293 of 2024 dated 18.04.2024, confirmed that "Mohalla near Quba Masjid, Shikarpur Road, New Goth, Sukkur" falls within Taluka City Sukkur jurisdiction. Rebutting the said position, learned counsel for the petitioner argued that the female PST waiting list issued on 14.05.2024 for Taluka New Sukkur placed one candidate, namely Ms. Sameena daughter of Javed Akhtar, at Serial No.40 under UC-9 New Goth, both said candidate and the petitioner reside in the same locality. Yet, per the respondents, both were categorized under City Sukkur for allocation purposes. Learned

counsel for the petitioner further submitted that having secured 43 marks, the petitioner was eligible for selection strictly on merit as well as on the basis of her domicile/taluka placement. She reiterated that the respondents' failure to correct the admitted clerical error, despite official verification of her address, amounts to violation of her fundamental rights protected under the Constitution and is contrary to the Sindh Recruitment Policy, 2021, particularly Clauses 7 and 9 which mandate merit-based selection and proper domicile verification. It is urged that the inaction of respondents is arbitrary, discriminatory and reflective of abuse of authority, thereby denying the petitioner due process of law.

4. Conversely, the learned Assistant Advocate General, while placing reliance upon the Sindh Recruitment Policy, 2021, argued that mere inclusion in a merit list or securing qualifying marks does not confer any vested right to appointment unless a formal appointment order is issued in accordance with law. He submitted that the petitioner was duly categorized under Taluka City Sukkur based on the information provided by her and the record available at the relevant time. He added that although a representation was submitted by the petitioner, the post-verification report she relies on was never part of the original recruitment record and could not be used to retrospectively alter the finalized merit list. The learned AAG maintained that the entire recruitment process was conducted transparently and fairly, adhering strictly to merit and domicile verification requirements, and therefore the petition is devoid of merit and liable to be dismissed.

5. We have considered the respective submissions and examined the material placed on record.

6. It is a settled principle of service jurisprudence that mere qualification or securing passing marks in a competitive recruitment exercise does not confer any vested or enforceable right to appointment. The claim to public appointment matures only upon issuance of an appointment order after all codal requirements are duly fulfilled. Reliance in this regard may be placed upon the dictum laid down by the Honourable Supreme Court in ***Uzma Manzoor and others v. Vice Chancellor Khushal Khan Khattak University Karak and others (2022 SCMR 694)***, wherein it has been held that participation in the

recruitment process or placement in a merit list does not guarantee or create a right to appointment.

7. Moreover, the allegation of clerical error regarding territorial jurisdiction of the petitioner's address is a factual controversy. This Court, while exercising constitutional jurisdiction under Article 199 of the Constitution, cannot delve into disputed factual issues requiring evidence, verification and detailed inquiry into local jurisdictional boundaries. It is trite law that writ jurisdiction is not meant to adjudicate or resolve factual disputes that can only be settled through evidence before the competent forums. Reference in this regard is made to ***Federation of Pakistan v. Aftab Ahmad Khan Sherpao (2011 SCMR 1813)*** and a consistent line of precedents.

8. It is further observed that the recruitment process under the Recruitment Policy 2021 has attained finality and appointments have already been made in accordance with the taluka-wise quota. The petitioner seeks post-facto alteration of finalized merit and allocation lists, which is impermissible as it would not only defeat the principles of transparency but also unsettle the rights accrued to other successful candidates who have already been appointed. Public recruitment is required to maintain certainty and finality, and selective correction after closure of the process is neither warranted nor legally sustainable.

9. Even otherwise, the record reflects that the petitioner's allocation to Taluka City Sukkur was based on data and documents available at the relevant time. The later verification report produced by the petitioner cannot retrospectively alter the finalized and implemented recruitment lists. Hence, no mala fide or arbitrariness is demonstrated on the part of respondents.

10. In view of the above, we find no constitutional, statutory or equitable basis for issuance of any direction as prayed. The petitioner has failed to make out a case invoking extraordinary jurisdiction of this Court. Consequently, this petition is devoid of merit and hereby **dismissed**, leaving the parties to bear their own costs.

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