

Order Sheet
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P.No.D-477 of 2011

Mushtaque Ahmed & others

Versus

*P.O.Sindh through Secretary Education
& Literacy Department & others*

Before:

Mr. Justice Muhammad Saleem Jessar.

Mr. Justice Nisar Ahmed Bhanbhro.

Petitioners : Through Mr. Zafar Iqbal Seenharo,
Advocate

Respondent No.5 : Through Mr. Fayaz-ul-Karim Memon,
Advocate.

Mr. Rafique Ahmed Dahri, Assistant A.G alongwith
Ms. Maliha Soomro, AD Legal on behalf of
Regional Director Colleges, Hyderabad.

Date of hearing : 28.10.2025
Date of Decision : 28.10.2025

ORDER

Nisar Ahmed Bhanbhro, J.- Through instant petition the
petitioners have sought the following relief(s):-

- i) *Declaration that the act of withholding of posting orders of petitioners by the respondents is illegal, void and mala fide.*
- ii) *Writ may be issued directing the respondents to issue posting orders of the petitioners without any delay.*
- iii) *Any other relief this Honourable Court deems fit may be granted.*
- iv) *The costs of the petition be borne by the respondents.*

2. Learned Counsel for the petitioners contends that the petitioners namely, Mushtaque Ahmed, Gulzar Ahmed, Ghulam Mustafa, Khan Muhammad and Gul Muhammad were appointed on different posts in College Education Department, Government of Sindh, Hyderabad Region but their appointment orders were not acted upon and they were not paid the salaries.

3. Learned Assistant A.G Sindh contends that on verification the appointment letters of the petitioners for the posts of Junior Clerk, Laboratory Attendant and Malhi were found bogus and no record was found available to support the stance of the petitioners.

4. Heard arguments and perused the record.

5. It appears that the case of the petitioners has a chequered history. The number of inquiries were conducted by the department pursuant to the Court order. In the inquiries, it transpires that the petitioners were not issued any appointment letter, they had managed the bogus appointment orders. The Secretary College Education Department also has denied the appointment of the petitioners in its report submitted under cover of statement dated 21.12.2022 of learned Additional A.G Sindh. It will be conducive to reproduce Para-10 of the said report, which reads as under:-

*“It is further highlighted that during the course of enquiry by the CMIE&IT, it was found that **“the Offer letter submitted by the petitioners in the Honourable High Court are purely managed, fabricated and found bogus”** as stated in the enquiry report of CMIE&IT dated 06-07-2020 which is further concluded as under (Annexure-E).*

6. Since the appointment letters of the petitioners have been denied and declared bogus by the Secretary College Education Department, therefore, the insistence of the petitioners that they were genuine appointees and are being victimized,

cannot be ascertained by this Court under its writ jurisdiction as the matter involves the dispute of factual controversy and this Court cannot embark upon such issues as jurisdiction of this Court is barred under Article 202 of the Constitution of the Islamic Republic of Pakistan, 1973. Consequently, this petition fails and is hereby dismissed alongwith listed application(s).

JUDGE

JUDGE

Shahid