

# HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

**C.P. No.D-569 of 2025**

[ Qadir Bux vs. The Secretary Industries & Commerce Department and Others]

**BEFORE:**

**JUSTICE ADNAN-UL-KARIM MEMON**  
**JUSTICE RIAZAT ALI SAHAR**

Mr. Rizwan Akhtar Khanzada, Advocate for Petitioners

Ms. Shahida Akhtar, Advocate for Respondent No.5

Mr. Rafique Ahmed Dahri, Assistant A.G. Sindh

Sikandar Ali Jatoi, Ex-President PT Association & Ghulam Rasool Mahar,  
President PTA Sindh, are present

Date of hearing & decision: 02.12.2025

## **ORDER**

**ADNAN-UL-KARIM MEMON J.-** The petitioners, through this  
Constitutional Petition, have prayed as under:-

- a) That the Petitioners as members, are entitled to all rights and privileges as contained in the constitution/ bylaws of the M/S Primary Teachers Association, and the respondent No 2 is bound to adhere to and comply with the requirements of by-laws by holding its elections as well as directions of the Honorable High court Bench Sukkur directions/Orders in CPD 1355/2024.
- b) That the impugned order/notification/letter dated 06.03.2025 is without jurisdiction, malicious, illegal, and has no legal effect as Petitioners and respondent No 6 comply with its constitution and by-laws, and the impugned letters have been cancelled.
- c). That elections of the association must be conducted in terms of the constitution/bylaws of the association and as per the directions of Honourable High Court Bench Sukkur orders in CPD 1355/2024, further graciously be pleased to issue directions to respondent Nos. 2 and 6 to conduct elections under the supervision of the central election committee constituted by central working committee.

## **GRANT**

- (i) Suspension of the impugned letters 19.11.2024 and 06.03.2025 because both impugned letters are against the registered bylaws of the association and contradictive with orders/directions of Honorable high court bench Sukkur orders/directions in CPD 1553/2024. as well as suspension of letters dated 24.3.2025 and Permanent injunction restraining the respondent No 1-2-3-4 or whomever acting through or under it and/or any of their officers from interfering with the duties and functions of the selected election committee by central working committee in its meeting.

- (ii) Permanent injunctions restraining respondent No1-2-3-4 from taking any adverse action against the plaintiff and the election committee constituted by the central working committee in any shape, way, or form whatsoever or passing any orders in furtherance of the same.
- (iii) Mandatory injunction directing the respondent No 1-2-3-4 for holding elections 2025 in terms of the Constitution and Bylaws of the association, and ensure that no unnecessary hurdles/impediments are created in the holding of the same under the supervision of the central election committee constituted by the central working committee, as well as the election monitoring committee

2. The case of the Petitioners is that they are members of *M/s Primary Teachers Association*, a body registered under the Joint Stock Companies & Societies Registration Act, 1860, with Registration No. 354 dated 28.11.1951, issued by the Provincial Assistant Registrar, Joint Stock Companies, Hyderabad. The Association is administered by its elected office bearers in accordance with its registered by-laws. Its organizational structure extends from unit, taluka, district, regional, and ultimately to the central cabinet levels. The election procedure is explicitly defined in Article 6.1 of the Articles of Association, which provides that six months prior to the completion of tenure, the Central Working Committee or the Central Managing Committee authorized by it shall constitute a Central Election Committee consisting of five members. As per by-laws, the Central Election Committee includes a Chairman, Vice Chairman, Secretary, and two Members, who are responsible for conducting the entire election process, after which the Committee stands automatically dissolved upon the oath-taking of newly elected Central Managing Committee. It is further submitted that one Islamuddin filed Constitutional Petition No. D-1553 of 2024 before Bench of this Court at Sukkur, challenging the election process of the Association. In that petition, this Court directed that an Election Monitoring Committee be constituted by respondent No. 2 (Director Industries), comprising himself and three members from each contesting group, solely to ensure free and transparent elections. The Court made it clear that the committee was to act only as a monitoring body and that no prejudice should be caused to the petitioners. It also directed to respondents 2 and 6 to issue fresh election schedule after obtaining consent from both groups. Contrary to these directions, respondent No.2 who in the earlier petition was respondent No.3 appointed respondent No. 3, Mr. Naveed Mari Chief Statistician Officer, to act on his behalf, despite the absence of any such authorization by the this Court. This irregular appointment has created serious doubts regarding credibility of the election process. Respondent No.3 subsequently violated the Sukkur Bench's orders by dissolving Central Election Committee without any justification, notice, or approval of this Court, despite the fact that this Court had ordered only the formation of an Election Monitoring Committee, not dissolution of Central Election Committee. The Petitioners issued

legal notice to respondents 2, 3 and 4, challenging the unlawful dissolution of the Committee and questionable formation of new committees; however, none has given any response including Secretary, Industries & Commerce Department. The Petitioners further submit that the Sukkur Bench had ordered that each group must nominate three members for monitoring committee *after* submission of nomination forms during central elections. Despite this, respondent No.3 arbitrarily declared two groups one led by Sikander Ali and the other by Ghulam Rasool Mahar. This action indicates that respondent No.3 may have pre-decided the election outcome. They added that the basic membership of Sikander Ali had already been suspended/terminated by the Central Managing Committee, and he had never challenged this termination before any authority or court of law. They added that no court, including Sukkur Bench, has issued any order restoring his membership. His interference, facilitated by respondent No.3, raises serious concerns about manipulation of election process. They submitted that Respondent No.3 went on to form a powerless Central Election Committee, disproportionately composed of members three from the group of the suspended member Sikander Ali and only two from the group of Ghulam Rasool Mahar. This is a clear contradiction of this Courts directions and has created severe anxiety amongst the Association's membership, which exceeds 100,000 individuals. The Petitioners, one of whom is contesting for the position of Central President, have completely lost faith in the process controlled by respondent No.3, who was unlawfully appointed in place of the authority specified by the Court. They also submitted that Respondent No.3 first issued letter dated 19.11.2024 summoning the elected President, Respondent No. 6, along with the terminated member, Sikander Ali, for meeting scheduled on 03.12.2024. Surprisingly, the very next day, on 20.11.2024, he issued another notification dissolving the Central Election Committee without conducting the scheduled meeting and without assigning any reason. This action not only violates Sukkur Bench's order but also suggests external influence and raises questions about transparency. Additionally, respondent No. 3 inconsistently referred to respondent No. 6 as "President" in one letter and "so-called President" in another, demonstrating partiality and lack of impartial administrative conduct. He further issued letters dated 24.03.2025, scheduling oath-taking ceremonies for both Central Election Committee and Election Monitoring Committee, even though both committees were unlawfully constituted in violation of the High Court's directives.

3. On query counsel for the petitioners, confirmed that *M/S* Primary Teachers Association is an autonomous body.

4. It is a well-settled principle that the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, is primarily attracted only where a public functionary or statutory body violates a

fundamental right. Internal disputes within a private or autonomous association do not confer writ jurisdiction unless it is shown that the entity performs a public function or that the impugned action involves a public-law element, which is not the case here. The Supreme Court in Mirza Muhammad Nazakat Baig v. Federation of Pakistan (2020 SCMR 631) conclusively held that writ jurisdiction cannot be invoked against purely autonomous body that generates its own funds and is free from government control. The position was reaffirmed in Syed Iqbal Hussain Shah Gillani v. Pakistan Bar Council (2021 SCMR 425), reiterating that bodies not performing functions in connection with the affairs of the Federation, Provinces, or Local Authorities are not amenable to Article 199 of the Constitution.

5. In the present case, the petitioners admit that M/S Primary Teachers Association is an autonomous body and not a governmental or statutory entity performing public duties. The grievances raised pertain solely to internal organisational matters, which fall outside the ambit of this Court’s constitutional jurisdiction. Prima facie, the petition is liable to be dismissed; however, we have been informed that this Court, in Constitutional Petition No. D-1553 of 2024 has already issued directions for conducting such elections; therefore, we consider ourselves bound by those findings and shall refrain from delving into the merits of the present case.

6. After hearing the parties present in Court and perusal of record, it is urged by the petitioners that the formation and dissolution of Central Election Committee and the Election Monitoring Committee by respondent No.3 were conducted in violation of the orders of this Court, Bench at Sukkur, in CP No. D-1553 of 2024. These actions of respondent No.3 prima facie, have created serious apprehensions regarding transparency and fairness of election process and have caused distress amongst the members of Association. Be that as it may, without touching merits of the case, the respondents are directed to strictly adhere to this Court’s orders passed in CP No. D-1553 of 2024 regarding constitution of Election Monitoring Committee and Central Election Committee. Any future election process must be conducted transparently under the supervision of duly authorized Election Monitoring Committee, ensuring that no undue influence or interference takes place. With these directions, the petition stands disposed of.

JUDGE

JUDGE