

IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No.D-4471 of 2024

[Mujtaba Maqsood Qureshi versus Province of Sindh & others]

Before:

Justice Muhammad Karim Khan Agha

Justice Nisar Ahmed Bhanbhro

Date of hearing & Order: 10.11.2025

Mr. Malik Naeem Iqbal, advocate for the petitioner.

Ms. Saima Imdad, Assistant Advocate General Sindh.

Mr. Zahid Rahim, advocate holding brief for Syed Ahmed Ali Shah, advocate for the alleged contemnors.

ORDER

Nisar Ahmed Bhanbhro, J. The case of the petitioner is that he was appointed as District Manager BPS-17 in Board of Revenue Sindh in the year 2014 pursuant to advertisement published in newspaper and after adopting due process of law.

2. The appointment of the petitioner was on contract basis and it was extended from time to time until 13.11.2023.

3. The petitioner filed a representation before the department for regularization of the services, which remained unheeded, therefore, he preferred a petition along with other employees bearing C.P No.D-128/2020, which was disposed of vide order dated 14.01.2022 with direction to the Department-Board of Revenue to refer the case of the petitioner and other employees to Sindh Public Service Commission (SPSC) for appropriate recommendation. The Para 16 & 17 of the order being relevant are reproduced below:-

“16. In view of the foregoing, we are of the considered view that the matter of the petitioners needs to be referred to the competent authority of SPSC to assess their eligibility/fitness/suitability afresh for the subject post by conducting their interview under the recruitment rules within a reasonable time and send the recommendation of successful candidates to the Government of Sindh for appointment on regular posts of District Manager and Assistant Manager (LARMIS). The aforesaid exercise shall be conducted by SPSC within two months after due notice to the petitioners.

17. It is clarified that the cases of the petitioners shall be sent by the respondent-department, separately to the Sindh Public Service Commission and shall not be tagged with the direct recruits. In case any of the petitioners is not found suitable and fit for the subject post, by the Sindh Public Service Commission, he/she shall not be entitled to be retained in service. Let a copy of this order be transmitted to the chairman Sindh Public Service Commission and head of the respondent department for compliance.”

3. In compliance to the Court’s Order referred above, the case of the petitioner was referred to the SPSC by the department and he was called by the SPSC for personal hearing through notice dated 09.07.2024. The petitioner appeared before

the SPSC and his eligibility was assessed and he was declared ineligible for regularization, such an intimation through letter dated 30.10.2023 was sent to the Senior Member Board of Revenue Sindh, Karachi.

4. The petitioner preferred a representation before SPSC, which too was dismissed by the Member SPSC vide order dated 06.08.2024 for the reason that he was recruited on the basis of Masters of Business Administration (MBA) which he passed in the year 2008 and did not possess the required degree in Information Technology or Computer Science which was required as a minimum qualification for the post of District Manager (LARMIS). The order dated 06.08.2024 is reproduced as under:-

“ORDER

Mr. Mujtaba Ahmed candidate for District Manager (LARMIS) district Karachi Central is present in person, his case has been discussed in detail with him. It transpires that the appellant was recruited, as such, on the basis of Master of Business Administration (MBA) which he passed in the year 2008, from the University of Sindh, Jamshoro. It has also been enquired from him, if he has any equivalence certificate from the concerned authorities which declared an MBA degree equivalent to a Bachelor of Science In Computer Science. The reply to this question by Mr. Mujtaba Ahmed is in negative.

However, he has produced an original degree of Bachelor of Science in Computer Science from Preston University, Karachi Issued to him on 09th October 2023, about ten years subsequent to the date of his appointment.

In the first place because of the order of the Honourable High Court of Sindh, In C.P. No. D-128 of 2020. This office was mandated to assess the competence and eligibility of the petitioners. The SPSC exactly did the same. The Issue of related education and degrees was to be examined by the Board of Revenue, being the parent department.

This order has been dictated in the presence of the Mr. Mujtaba Ahmed and read over to him.”

5. The contract of the petitioner was terminated w.e.f. 30th June 2024 vide letter dated 28.06.2024 issued by the Member R&S Board of Revenue Sindh.

6. We have examined the case of the petitioner, so also the order passed earlier by this Court and the impugned order dated 06.08.2024 passed by the Member appeal of SPSC. We do not agree with the observations of Learned Member Appeal of SPSC for the following reasons:-

- i. The petitioner was appointed in Board of Revenue as District Manager BS – 17 (LARMIS Project) on the basis of MBA degree by the Department in year 2014 and he worked on the said post for almost 10 years.
- ii. That at the time of recruitment in 2014, the petitioner possessed the degree of MBA, no reservations as to the qualification of the Petitioner echoed at the time of induction in service. The petitioner on permission by the department sought Bachelor Degree in

Information Technology (IT) from the Preston University in the year 2023, as such at the time when Petitioner's case was under consideration for regularization, he possessed the requisite degree in Information Technology from HEC recognized university, which is available at page 45 of the Petition.

- iii. The regularization is always akin to the fresh appointment and is considered as a regular service from the date when such order is issued by the competent authority as has been held by the Hon'ble Supreme Court in the case of **Mohsin Raza Gondal and others Vs Sardar Mahmood and others reported as 2025 SCMR 104** wherein in Para No 9 of the judgment it has been observed that the regularization of a contractual employee constitutes a fresh appointment into the stream of regular appointment in civil services.

7. Consequently, this petition is allowed. The impugned order dated 06.08.2024 passed by the Member Appeal SPSC is set aside and the matter is remanded back to SPSC, the representation /appeal filed by the petitioner to assesses his eligibility for appointment as District Manager BS – 17 shall be deemed to be pending and decided afresh in view of the observations made hereinabove preferably within a period of two (02) months from the date of this order.

The petition stands disposed of in the above terms. Office to send copy of this order to the Respondents for compliance.

JUDGE

HEAD OF CONST. BENCHES

Shahzad Soomro