

# HIGH COURT OF SINDH CIRCUIT COURT, MIRPURKHAS

**C.P No.D-1737 of 2024**

[Sandeep Kumar vs. Province of Sindh and Others]

Before:

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

Petitioner advocate Sandeep Kumar in person

Mr. Muhammad Sharif Solangi, Assistant A.G. Sindh a/w AEO  
(Mirza Afaq Baig) and Focal Person DEO MPK (Sajid Ali)

Date of hearing & decision: 19.11.2025

**ADNAN-UL-KARIM MEMON J.-** The petitioner prays that this Court may be pleased to direct the Respondents –Education Department to amend the Recruitment Policy 2021 by adding the Posts of Primary School Teacher (PST) BPS-14, likewise Junior Elementary School Teacher (JEST) BPS-14 as per Rule 15 of The Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974 and further the respondents be directed to reopen the closed Primary Schools in District Mirpurkhas by appointing qualified Primary School Teachers (PST) BPS-14, who are on the waiting list for vacancies other than their particular Taluka.

2. The petitioner is an Advocate and submits that this petition is filed in public interest to address the alarming issue of hundreds of children being deprived of education due to poverty, lack of facilities and closure of Government Primary Schools in District Mirpurkhas, particularly in Talukas Sindhri and Shujabad, where many schools remain non-functional due to non-availability of teachers. The petitioner states that in March 2021, the School Education & Literacy Department announced thousands of teaching posts (PST BPS-14 and JEST BPS-14) through IBA Sukkur, and the recruitment process was initiated after candidates qualified the written test. Subsequently, the Government revised the Recruitment Policy 2021, through Notification dated 17.05.2022, making appointment of PSTs strictly on taluka-based domicile. The petitioner submits that this taluka-based restriction has resulted in a large number of qualified PST candidates remaining un-appointed in certain Talukas, while several posts remain vacant in other talukas, particularly Sindhri and Shujabad, leading to the closure of numerous Government schools. The petitioner asserts that such restriction contradicts Rule 15 of the Sindh Civil Servants (Appointment,

Promotion & Transfer) Rules 1974, which permits appointments on district-wise basis for posts in BS-5 to BS-15. The petitioner argues that, to reopen the closed schools and ensure educational access, The Recruitment Policy must be amended on the pattern of JEST appointments, allowing qualified PST candidates from other talukas within the same district to be appointed where vacancies exist. The petitioner submits that due to ongoing closure of 218 schools out of 329 in Taluka Sindhri alone, children are suffering irreparable educational loss. No alternative or efficacious remedy is available; therefore, the petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution.

3. The Respondent Department through learned A.A.G. submits that The Recruitment Policy was framed in accordance with law and approved by the Provincial Cabinet. Any amendment falls within the policy-making domain of the Government and cannot be made on judicial direction. It is argued that the existing Recruitment Policy is legally valid, transparent and based on UC/Taluka-level distribution to ensure availability of teachers at local level, and no violation of Rule 15 of 1974 Rules has occurred. As per the illustration under Rule 16, a primary school's local area is defined by the School Education & Literacy Department, and the Taluka has been lawfully prescribed as the recruitment unit. The Department further submits that all appointments are being made strictly based on Student-Teacher Ratio (STR) and that this High Court in *C.P. D-297/2022* (Sukkur Bench), has upheld the validity of Recruitment Policy 2021 through third-party testing. It is therefore contended by learned A.A.G that the recruitment policy does not violate any statutory provision and the request for its amendment is outside the authority of the Respondents; hence, the petition merits dismissal.

4. After hearing the parties and examining the material on record, including the submissions of the petitioner and the stance of Respondent Department, this Court finds that the issues raised stand fully covered by the latest judgments of this Court concerning the Teachers Recruitment Policy, 2021. The Honourable Court in *C.P. D-297/2022* (Sukkur Bench) as well as in subsequent connected matters has already upheld the legality, validity and transparency of the Recruitment Policy, 2021, including the classification of taluka as the unit of recruitment for PST (BPS-14) and JEST (BPS-14). It has been held that framing of recruitment policy, selection criteria, and determination of local area for appointments fall

within the exclusive domain of the executive, and the Court cannot substitute its wisdom for that of the competent authority unless the policy is shown to be arbitrary, discriminatory, or violative of any statutory provision, which in the present case has not been established.

5. In view of the settled law, the petitioner's prayer seeking amendment in the Recruitment Policy, 2021 by converting PST appointments from taluka-based to district-based, or by equating PST recruitment with the JEST pattern, cannot be granted by this Court. The policy decision has been approved by the Provincial Cabinet and is consistent with the interpretation of Rule 15 and Rule 16 of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, as previously affirmed by this Court. This Court, therefore, finds no justification to issue directions for altering the recruitment framework or for appointing candidates beyond their respective talukas. However, the grievance relating to closure of schools and shortage of teachers is a matter of public importance. The Respondent Department is expected to ensure that functional schools are provided adequate teaching staff in accordance with the Student-Teacher Ratio (STR) and available vacancies, and to take administrative measures to address non-functionality of schools in the district.

6. Consequently, the petition, to the extent of seeking amendment of the Teachers Recruitment Policy, 2021, is dismissed with observations that the Respondents shall continue their efforts for improving school functionality in accordance with law and existing policy.

JUDGE

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