

Order Sheet

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D- 1798 of 2024
[Iqra & others v. Province of Sindh & others]

Before :

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Riazat Ali Sahar

Petitioner : Through Mr. Ghulam Murtaza Shaikh, Advocate

Mr. Muhammad Ismail Bhutto, Addl. A.G.

Date of Hearing
& Decision: 11.11.2025

ORDER

ADNAN-UL-KARIM MEMON, J.- Through this Constitutional Petition, the petitioners have prayed for the following relief:-

- a) That this Honourable Court may be pleased to direct the official respondents to issue appointment orders in favour of all the petitioners for the post of PST (BPS-14) on merit.
- b) That this Honourable Court may direct the official respondents to approve the SNR according to law.
- c) That this Honourable Court may be pleased to direct the official respondents of the District to provide the complete record of the remaining seats as well as a list of awarded seats in different districts.
- d) That this Honourable Court may be pleased to direct the respondents to enhance the time and exclude the freezing period of 9 months.

2. The case of the petitioners is that the posts of JST (BPS-14) and PST (BPS-14) were announced across Sindh but they applied for Taluka Hyderabad and Qasimabad. They appeared in the written test conducted by IBA Public School Hyderabad and secured sufficient marks. The recruitment process was to follow as per Sindh Government's 2021 policy, which initially prescribed Union Council wise recruitment, later revised to Taluka-wise, applicable until February 2025. However, through notification dated 17.05.2022, the respondents amended the policy reducing passing marks to 40%, and to 33% for candidates from

deprived Talukas and directed allocation of seats according to gender, minority, and mixed quotas.

3. The petitioners' counsel contends that the respondents failed to follow the proper procedure including the requirement by Taluka Education Officers to display available seats. He submitted that the recruitment process was later frozen due to general elections and resumed after nine months which lost the precious time of candidates. The petitioners allege irregularities and policy violations, prompting them to approach this Court.

4. Upon notice, respondents 5 and 6 (Director Primary & Elementary Schools, Hyderabad Region, and District Education Officer, Hyderabad) did not file comments. Respondent No.10, Sukkur IBA University, stated that it has only conducted the written test through SIBA Testing Service and had no role in the appointment process.

5. After hearing the counsel and examining the record, it appears that the grievance of the petitioners primarily relates to alleged non-implementation of the Sindh Government's Recruitment Policy 2021, as amended vide Notification dated 17.05.2022. The petitioners have not disputed the conduct or result of the written test held by SIBA Testing Service but have alleged irregularities in the subsequent appointment process, particularly regarding the display of available seats and observance of quota and merit.

6. It is an established principle that recruitment to public service must strictly follow the policy and procedure framed by the competent authority. Any deviation that affects transparency, merit or equal opportunity violates Articles 4, 18 and 25 of the Constitution. The Supreme Court has held that public employment is a trust and must be made strictly in accordance with law and notified policy. However, this Court cannot itself issue directions for appointment unless it is conclusively established that the petitioners stood higher in merit and were unlawfully denied appointment, mere participation in a selection process or inclusion in a merit list does not create a vested right to appointment.

7. In the present case, the record does not reflect that the official respondents have completed the appointment process or published the final list of selected candidates, if not earlier did so. The proper course, therefore, is to direct the competent authorities to strictly adhere to the notified recruitment policy, ensure

transparency, and provide the petitioners with the details of available and awarded seats in accordance with paragraph 12 of the policy. Accordingly, this petition is disposed of with the following directions:

- a. Respondents shall complete the recruitment process if not earlier completed strictly in accordance with the Sindh Government Recruitment Policy, 2021 (as amended on 17.05.2022).
- b. Respondents shall provide to the petitioners the record or display on notice board the details of available and filled seats along with quota distribution.
- c. If, upon verification, the petitioners are found eligible and within merit, their cases shall be considered for appointment in accordance with law.

8. The petition, therefore, stands disposed of in the above terms.

JUDGE

JUDGE

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