

ORDER SHEET

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P No.D-130 of 2026

[Muhammad Ameen v. Province of Sindh and 04 others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
	<ol style="list-style-type: none">1. For orders on M.A No.602/2026 (U/A)2. For orders on office objection (s)3. For orders on M.A No.603/2026 (Exemption)4. For orders on M.A No.604/2026 (Stay)5. For hearing of main case

03.02.2026

Mr.Mashooque Ali Mahar, Advocate for the Petitioner

The petitioner seeks a direction under Article 199 of the Constitution for his appointment to a Class-IV post in the Education Department, District Jamshoro, on the ground that his late father had donated land for the establishment of a Government Primary/Masjid School in Deh Jagirani Panhwar. It is asserted that the respondent assured the donor that one suitable post would be provided either to him or to his legal heir and that failure to honour that commitment violates the petitioner's fundamental rights.

2. We have heard learned counsel for the petitioner and examined the material placed on record. The entire claim rests upon an alleged promise said to have been made by the Education Department at the time of the donation of land. No statutory rule, notified policy or legally enforceable instrument has been produced to demonstrate that donors or their heirs possess any vested right to public employment. The petitioner has also failed to show that any statutory duty exists requiring the respondents to appoint him.

3. The constitutional jurisdiction of this Court is confined to the enforcement of legal rights. A writ of mandamus may be issued only where a statutory obligation is established. Public employment is regulated strictly by statutory recruitment rules framed under the law. No person may claim appointment as a matter of right unless such entitlement flows directly from statute. A voluntary donation of land, however noble, does not create a quid-pro-quo obligation upon the State to provide government employment. To convert a charitable act

into a perpetual entitlement to public service would be wholly incompatible with Articles 25 and 27 of the Constitution, which mandate equality and merit in public appointments.

4. Even assuming that local officials extended some assurance, such administrative representations cannot override statutory recruitment procedures, nor can they confer a legally enforceable right. The doctrine of promissory estoppel cannot be invoked to compel the Government to act contrary to law or to bypass the constitutional framework governing public employment. The Supreme Court has consistently held that estoppel does not operate against the law, and no public authority may be compelled to make appointments in violation of recruitment rules.

5. The petitioner has also failed to demonstrate any discriminatory treatment vis-à-vis similarly placed individuals. Mere non-appointment, in the absence of a statutory right or demonstrable discrimination, does not constitute a violation of fundamental rights. The grievance raised is therefore non-justiciable within the meaning of Article 199.

6. In view of the foregoing discussion, the petition is devoid of merit, discloses no enforceable legal right, and falls outside the permissible contours of constitutional jurisdiction. Accordingly, this petition is **dismissed** in *limine* along with the listed application (s).

JUDGE

JUDGE

AHSAN K. ABRO