

# HIGH COURT OF SINDH CIRCUIT COURT, MIRPURKHAS

**C.P No.D-972 of 2025**

[Ali Anwar Shah and others vs. Province of Sindh & Other]

**C.P No.D-973 of 2025**

[Asadullah and others vs. Province of Sindh & Other]

**C.P No.D-975 of 2025**

[Jagan and others vs. Province of Sindh & Other]

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DATE	ORDER WITH SIGNATURE OF JUDGE
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Before:

**JUSTICE ARBAB ALI HAKRO**

**JUSTICE MUHAMMAD HASAN (AKBER)**

Petitioners by : M/s Ghulamullah Chang and Mir Muhammad Nohri advocates

Respondents by : Mr. Ayaz Ali Rajper Assistant A.G Sindh a/w D.C Tharparkar (**Abdul Haleem Jhagrani**), DEO GS&HS Tharparkar (**Shamsuddin**), DEO Primary Tharparkar (**Nasrullah Sahar**) and Health Education Officer Tharparkar (**Mohan Lal**)

Date of hearing : 18.02.2026

Date of decision : 18.02.2026

## **JUDGMENT**

**ARBAB ALI HAKRO J:-** Through this common judgment, we intend to decide the above-captioned petitions as they arise out of the same recruitment process for non-technical posts in BS-01 to BS-04 within District Tharparkar and involve identical questions of fact and law.

2. The case of the petitioners is that the Government of Sindh, vide letter dated 19.04.2023, directed all administrative departments to expedite recruitment against non-technical posts in BS-01 to BS-04 through the District Selection Committees functioning under the supervision of the respective Deputy Commissioners. Pursuant to these directions, the petitioners appeared in walk-in interviews before the DSC and were duly assessed. According to the petitioners, the DSC convened on 07.08.2023 and finalised its minutes, recommending a substantial number of candidates, including the petitioners, for appointment. It is their grievance that, despite the process being completed, the respondents have failed to issue offer letters without lawful justification.

3. The then Deputy Commissioner Tharparkar, who chaired the DSC, has filed a statement confirming that the DSC meetings were duly held in August 2023 and that the minutes dated 07.08.2023, along with the lists of successful candidates, were signed by all members and circulated to the concerned departments. He further states that the complete recruitment record is available in the district offices and that the only impediment earlier was a stay order passed by the principal seat of this Court in Suit No.1564 of 2023, as well as directions issued by the Election Commission of Pakistan.

4. The District Education Officer (Primary) has also filed his statement admitting that the DSC meeting of 07.08.2023 was duly held and that the minutes and lists of 204 recommended candidates were issued under outward No. DEO/(PRY)/TPR/193/2023 dated 07.08.2023. He states that offer orders were prepared but could not be delivered due to the stay order and ECP directions. He further confirms that, following the Cabinet's decision dated 01.12.2025, the process is being resumed, subject to verification of records and completion of codal formalities.

5. The Health Department, in its para-wise comments, admits the advertisement of posts in 2021 and acknowledges the applicability of the Government's letter dated 19.04.2023. It denies allegations of mala fide and states that the DSC is the competent authority for recruitment.

6. Learned counsel for the petitioners submits that the DSC duly completed the recruitment process and that the petitioners' names appear in the lists of recommended candidates. They argue that the Provincial Cabinet, in its meeting held on 01.12.2025, lifted the ban on appointments in BS-01 to BS-04 and expressly permitted issuance of offer letters to recommended candidates in districts where a complete and verified record was available. They contend that District Tharparkar is one such district where the entire record exists, including advertisements, verified vacancy positions and DSC minutes duly signed by all members. Despite this, the respondents have failed to issue offer letters, which, according to them, is arbitrary and discriminatory. Learned counsel submits that the respondents

are attempting to initiate a fresh recruitment process to accommodate politically-influenced candidates, which is impermissible in law.

7. Conversely, learned A.A.G submits that the DSC indeed undertook the recruitment process under the chairmanship of the then Deputy Commissioner. He states that the process could not be finalised earlier due to the stay order passed by the principal seat of this Court in Suit No.1564 of 2023 and the directions issued by the Election Commission of Pakistan. He further submits that the earlier process has not been cancelled and shall continue in accordance with the law. Learned A.A.G maintains that the respondents will act strictly in line with the Cabinet Decision dated 01.12.2025 and that the record is presently under verification.

8. We have heard the learned counsel for the Petitioners, learned A.A.G and have carefully examined the material placed before us.

9. The record demonstrates that the DSC process in District Tharparkar was duly conducted and finalised. The DSC minutes dated 07.08.2023 were signed by all members and circulated to the concerned departments. The respondents themselves admit that the earlier process has not been cancelled and that the complete record is available. The only impediments earlier were the stay order in Suit No.1564 of 2023 and the directions of the Election Commission of Pakistan. Neither of these impediments presently subsists. The Cabinet Decision dated 01.12.2025 expressly directs the issuance of offer letters where a complete and verified record exists. District Tharparkar falls squarely within this category.

10. The Cabinet further extended the validity of DSC minutes pertaining to advertisements of 2021-22 until 30.06.2026 and permitted issuance of offer letters to recommended candidates where the record was complete. Fresh recruitment was permitted only in districts where vacancies remained and where a complete record was not available. The respondents have not shown that District Tharparkar falls within the latter category.

11. Any attempt to initiate a fresh recruitment process in the presence of a completed and verified record and in the presence of recommended candidates would be arbitrary, discriminatory and contrary to the Cabinet Decision. It would also offend Articles 4 and 25 of the Constitution. The respondents are bound to act in accordance with the Cabinet Decision and cannot deviate from it on the basis of conjecture or administrative hesitation.

12. The petitioners participated in a duly constituted recruitment process, were recommended by the DSC, and fall within the category of candidates to whom the Cabinet Decision expressly applies. They have established a clear entitlement to relief.

13. For the reasons recorded above, these petitions are **allowed** in the following terms: -

- i. The respondents are directed to issue offer letters to all candidates recommended by the District Selection Committee, Tharparkar, including the petitioners, strictly in accordance with the minutes dated 07.08.2023, subject to verification of documents and completion of codal formalities required under law.
- ii. No fresh recruitment process shall be initiated for non-technical posts in BS-01 to BS-04 in District Tharparkar unless and until all recommended candidates, for whom a complete and verified record exists, have been issued offer letters in terms of the Cabinet Decision dated 01.12.2025.
- iii. The entire exercise shall be completed within sixty days from the date of this judgment, and a compliance report shall be submitted to the Additional Registrar of this Court.
- iv. Any deviation from this order or from the Cabinet Decision shall expose the concerned officials to proceedings under the law.

JUDGE

JUDGE