

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D- 3725 of 2022

[Imdad Ali v. Province of Sindh & Others]

CP No. D- 112 of 2023

[Sajeela Ashfaque & others v. Province of Sindh & Others]

CP No. D- 231 of 2023

[Zulfiqar Ahmed v. Province of Sindh & Others]

CP No. D- 677 of 2023

[Tariq Mangi v. Province of Sindh & Others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

M/s. Hameedullah Dahri, Ishrat Ali Lohar, Aroon Kumar & Barrister Jawad Ahmed Qureshi, Advocate for Petitioners

M/s. Kamaluddin and Unaib Kamal, Advocate for respondent-university

Mr. Rafiq Ahmed Dahri, Asstt: A.G.

Date of hearing:

& Decision:

15.12.2025

ORDER

ADNAN-UL-KARIM MEMON, J - The Petitioners through instant Petitions have prayed for setting aside their termination from service order dated 14.12.2022 issued by the respondents Sindh University and their reinstatement in service on their respective posts.

2. The case of the petitioners is that the University of Sindh issued a public advertisement for new appointments. The petitioners, who were already working on contract and possessed the requisite qualifications, were regularized. Subsequently, to their utter surprise, the petitioners received a cyclostyled impugned order, whereby their regularization was cancelled on the ground that it was made without the recommendation of the Regularization Committee, and they were relieved during the probation period. It is submitted that upon cancellation of the regularization order, the petitioners ought to have been reverted to their earlier status as contractual employees; however, their outright relieving was mala fide and without lawful justification. Consequently, the petitioners approached this Court through Constitutional Petition No. 875/2021, wherein interim relief was granted and

directions were issued to the respondent-University to scrutinize the appointments and pass appropriate orders within three months. Pursuant thereto, a Scrutiny Committee was constituted, which, after selective scrutiny, terminated the services of the petitioners vide common but separate orders dated 14.12.2022, in violation of the directions and spirit of the Court's earlier order dated 05.10.2022 in disposed of petitions. The petitioners allege discrimination, nepotism, and favoritism, asserting that hundreds of similarly placed employees were retained without scrutiny, while the petitioners were singled out. It is further contended that under Section 14(4)(ix) of the University of Sindh Act, 1972, the Vice Chancellor was / is the competent authority to appoint non-teaching staff up to BPS-16, and therefore, the impugned orders passed by the Scrutiny Committee and their subsequent termination from service is without lawful authority, void ab initio, and violative of Articles 4, 9, 14, and 25 of the Constitution.

3. Learned counsel for the respondent University, however, submitted that the Scrutiny Committee, constituted vide Notification No. RO-3376 dated 07.10.2022, found that several appointments, including petitioners were regularized on the outgoing Vice Chancellor's last day without codal formalities and in violation of merit and transparency; therefore, the termination orders were passed strictly in accordance with law. He prayed to dismiss the captioned petitions.

4. In view of the foregoing facts and circumstances, without entering into the merits of the controversy relating to the powers of the Vice Chancellor or alleged non-observance of codal formalities as portrayed via impugned order based on the recommendation of the committee constituted by the Vice Chancellor, University of Sindh, it would be appropriate to balance the equities between the parties. The petitioners have admittedly remained in service for a considerable period and have gained experience during the intervening time, which cannot be ignored outright.

5. Accordingly, the respondent University is once again directed to reassess the candidature of the petitioners by the competent authority, strictly on the basis of their length of service, experience acquired during the intervening period, eligibility, and qualifications for their respective posts. For this purpose, the petitioners shall be afforded a brief interview and an opportunity of hearing. If upon reassessment, the petitioners are found eligible and suitable for retention in service, appropriate speaking orders shall be passed in accordance with law. However, the candidature of the petitioners shall not be rejected solely on the ground that the Vice Chancellor lacked the authority to regularize their services or that codal formalities were not observed, as regularization of services in the peculiar facts of the case does not necessarily require strict enforcement of non-statutory rules, particularly when the petitioners continued to work on their respective posts during the intervening period.

The above exercise shall be completed within a period of sixty (60) days from the date of receipt of this order after providing meaningful hearing .

6. With these directions, all the instant petitions along with pending application(s) stand disposed of.

JUDGE

JUDGE

Karar_Hussain/PS*