

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No. D- 1923 of 2025

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Before;

Adnan-ul-Karim Memon, J;
Abdul Hamid Bhurgari, J;

Petitioners **Javaria Nawaz** through M/s Muhammad Uzair Shaikh, Syed Naimat Ali Shah and Mujeeb-ur-Rehman Malano, Advocates.

Province of Sindh & others Through Mr. Ali Raza Baloch, Additional Advocate General Sindh along with Ghulam Murtaza Shah, District Education Officer (ES&HS) Sukkur on behalf of Secretary School Education and Literacy Department, Government of Sindh, Karachi

Date of hearing and order: 09-06-2026.

ORDER.

Adnan-ul-Karim Memon, J;- Mst. Javaria Nawaz has filed the instant Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking her appointment as Subject Specialist (Zoology) (BS-17) in the School Education & Literacy Department, Sindh. She prays that she be declared eligible for appointment based on her husband's domicile and supporting documents, and that the respondents' demand for her personal domicile and PRC be declared unlawful, arbitrary, discriminatory, and violative of Articles 4 and 25 of the Constitution as well as the applicable recruitment policy. She further contends that since she was allowed to appear in the written test, called for an interview, and placed on the merit list without any objection at earlier stages, the respondents have created a legitimate expectation in her favour. She also alleges mala fide on the part of Respondent No.5 for falsely stating that she submitted an under-process domicile, and seeks restraint against filling the post by others, issuance of her offer and joining letters, protection from relieving her from her existing service, and any other appropriate relief.

2. The learned counsel for the petitioner submits that she was initially appointed as an Elementary School Teacher (Science) (BPS-

15) in Punjab and, after her marriage, was transferred to Sindh under S&GAD notification. She subsequently applied for the post of Subject Specialist (Zoology) through SPSC on the female quota, claiming eligibility on the basis of her husband's domicile. She passed the written test and was placed at Serial No.19 in the list of successful candidates; however, her name was later excluded from the final selection list issued by the Government of Sindh on 07.11.2025. Despite filing a representation, no action was taken. He prayed to allow the petition.

3. On the other hand, the learned Additional Advocate General, relying on comments of SPSC and the Education Department, submits that the petitioner was allowed to appear in the interview only on a conditional basis, subject to submission of domicile and PRC/Form-D within a specified time, which she failed to provide at the relevant stage. It is contended that she only gave an undertaking to furnish the documents later and was interviewed on humanitarian grounds, but her recommendation remained conditional upon verification of all credentials, including domicile, PRC, and medical fitness. It is further submitted that SPSC clarified on 22.09.2025 that she must produce a domicile and PRC of Naushahro Feroze, and that no fundamental rights have been violated. Reliance is placed on *Federal Public Service Commission vs. Dr. Shumaila Naeem & others* (PLD 2026 SC 1) and paragraph 20 thereof, which explains the limited one-time option for female officers to adopt their husband's domicile after marriage, subject to strict conditions and finality.

4. After hearing the parties, the matter needs to be resolved in terms of the ratio of the decision of the Supreme Court, which was that the candidate's case required proper verification rather than outright rejection. Paragraph 20 of the judgment of the Supreme Court is reproduced as under: _

“20. An exception to the general principle under O.M. 1971 whereby the domicile of a civil servant stands frozen upon entering the civil service has been carved out in the case of female officers who marry during service. Recognizing the constitutional values of equality, dignity, and the realities of social mobility that accompany marital life, a limited concession is provided whereby a woman officer may, only once, adopt the domicile of her husband if she seeks appointment to a post through direct recruitment. This exception acknowledges that marriage often entails a change in residence and

social identity, and aims to accommodate such transitions without violating the broader principle of domicile integrity. However, this option is strictly a one-time concession in the entire service tenure of the female officer. Once exercised, the new domicile (based on the husband's domicile) stands frozen and remains immutable regardless of whether the officer is subsequently divorced, widowed, or remarries a person from another province. This safeguard ensures that the exception does not evolve into an instrument of circumvention or manipulation, and preserves the constitutional scheme of fair and equitable representation across the Federation.”

5. After examining the record, it appears that the dispute does not pertain to outright ineligibility of the petitioner but rather revolves around verification and authentication of domicile and allied documents, which remained incomplete at the time of interview and final selection.

6. The petitioner’s grievance is primarily that despite qualifying the written test, being called for an interview, and finding a place in the provisional merit list, her candidature was ultimately not included in the final selection list. Her core reliance is on her husband’s domicile under the applicable recruitment policy and the constitutional principles of equality and legitimate expectation under Articles 4 and 25 of the Constitution, based on the decision of the Supreme Court.

7. Conversely, the respondents maintain that the petitioner was never unconditionally accepted as eligible, and her participation in the interview process was expressly conditional upon submission and verification of domicile/PRC/Form-D and other required credentials. It is further their stance that the petitioner failed to complete this mandatory requirement within the stipulated time and was only interviewed on a provisional/conditional basis, subject to verification. Reliance has also been placed on the judgment in *Federal Public Service Commission vs. Dr. Shumaila Naeem & others supra* which clarifies that the concession of adopting the husband’s domicile is a limited, one-time option subject to strict compliance and cannot be treated as an automatic entitlement without verification.

8. The law is well-settled that public employment must strictly adhere to eligibility criteria and documentary verification, and mere participation in a test or interview does not create an indefeasible right to appointment unless all conditions are duly fulfilled and

verified. At the same time, it is equally established that where a candidate is allowed to proceed through successive stages of recruitment without timely objection, and only later an issue is raised regarding documents, the matter requires fair reassessment rather than outright rejection, particularly when the defect is curable and relates to verification rather than disqualification of the candidate.

9. In the present case, the material on record indicates that the petitioner's candidature was not rejected on the ground of substantive ineligibility, but due to pending verification of domicile and related documents, which is a procedural requirement central to the determination of entitlement under the recruitment policy. The clarification issued by SPSC itself further reflects that the issue remained one of compliance and verification rather than final adjudication of eligibility.

10. In view of the above, the appropriate legal course is not rejection of candidature but re-evaluation through a proper verification mechanism, ensuring both transparency in public recruitment and protection of constitutional guarantees against arbitrary exclusion.

11. Accordingly, the matter is to be decided on the settled principles that eligibility must be determined upon complete verification of all required documents. However, where the deficiency is procedural and curable, the candidate must be afforded an opportunity of verification rather than outright exclusion, which action is set a naught.

12. In view of the above, the petitioner's candidature is directed to be reassessed strictly in accordance with law, relevant recruitment rule/policy, and Supreme Court precedent as discussed supra after verification of her domicile, PRC, and other antecedents. If found compliant and eligible in all respect, she shall be considered for appointment strictly in accordance with merit and applicable rules. The aforementioned exercise shall be undertaken within two weeks without creating any bottlenecks.

13. This petition stands disposed of in the above terms along with pending application(s).

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ARBROHI/PS