

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No. D- 974 of 2026

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Before;

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

Petitioners Muhammad Ramzan and another **through** Mr. Sohail Ahmed Khoso, advocate.

Respondent Through M/s Mujeeb-ur-Rehman Malalno and Syed No. 7 Naimat Ali Shah, advocate.

Province of Through Mr. Israr Ahmed Shah, Assistant Advocate Sindh & others General, Sindh.

Date of hearing and order: 08-06-2026.

ORDER.

Adnan-ul-Karim Memon J:- Petitioners through the captioned petition prayed as under:—

a) That this Honorable court set aside the impugned notification dated 21-05-2026 issued by the private respondents Nos 4 and 5, which is against the order passed by this Honorable court in C.P No. D 1553/2024 Re Islamuddin Panhyar and Others v/s P.O Sindh and Others through order dated 12-11-2024.

b) That petitioners respectfully prayed that this Honorable court may graciously issue a direction to the official respondents to restrain the respondents Nos 3 to 6 from further proceeding with the election process through the impugned notification dated 21-05-2026.

2. The petitioners are primary school teachers and office-bearers of the All Sindh Primary Teachers Association (ASPTA). Petitioner No.1 has been elected unopposed as General Secretary, District Sukkur, for the term 2026–2029, while Petitioner No.2 has been elected unopposed as Senior Vice President, Sukkur Division. Their election was duly notified by the competent Election Committee and the concerned authorities.

3. Learned counsel for the petitioners submitted that previously, disputes regarding the affairs and elections of the Association were brought before this Honourable Court in C.P. No.D-1553 of 2024 (Islamuddin Panhyar and others v. P.O. Sindh and others). Vide order dated 12.11.2024, this Court directed the official respondents to ensure free, fair, transparent, and impartial elections by constituting an Election Monitoring Committee comprising representatives of both groups of the Association. In compliance with the said order, the previous election committee was dissolved, a fresh election schedule was issued with mutual consultation, and the election process was conducted under the supervision of the official respondents from the unit level up to the central level. A compliance report was subsequently submitted before this Court. It is the case of the petitioners that one group of the Association, headed by Sikandar Ali Jatoi, fully cooperated with the official respondents in the election process, whereas the rival group, headed by Ghulam Rasool Mahar, failed to cooperate and instead initiated a parallel and unauthorized election process despite repeated communications and directions issued by the official respondents. Thereafter, respondents Nos. 4 and 5 issued the impugned notification dated 21.05.2026 regarding the central elections of the Association on the basis of the separate election process conducted by the rival group. According to the counsel for the petitioners, the impugned notification is without lawful authority, contrary to the order dated 12.11.2024 passed by this Court, and liable to be declared illegal and set aside, as the election process had already been completed through the duly constituted committee under the supervision of the official respondents. The petitioners' counsel submit that unless the operation of the impugned notification and further proceedings pursuant thereto are restrained, they and other members of the Association shall suffer irreparable loss and prejudice. He lastly added that, having no other adequate and efficacious remedy available, the petitioners have invoked the constitutional jurisdiction of this Court for redressal of their grievance.

4. Learned Assistant Advocate General, opposed the maintainability of the petition and contended that the controversy raised by the petitioners pertains to rival claims regarding the office-bearers and election process of a private association, involving highly disputed questions of fact which cannot be

adjudicated in constitutional jurisdiction under Article 199 of the Constitution. He submitted that the official respondents had duly complied with the directions issued by this Court in C.P. No.D-1553 of 2024 by constituting the Election Monitoring Committee, issuing a fresh election schedule, supervising the election process, and submitting a compliance report before this Court. According to the learned A.A.G., once the directions of this Court are complied with, the role of the official respondents came to an end, and any subsequent dispute between rival factions of the Association regarding the validity of elections, recognition of office-bearers, or issuance of notifications constitutes an internal dispute of the Association for which an adequate and efficacious remedy is available under the ordinary law. The learned A.A.G. further argued that the petitioners have sought, in substance, a declaration regarding the legality of a rival election process and the status of competing office-bearers, which necessarily requires the recording of evidence and determination of disputed factual issues. Such an exercise is beyond the scope of constitutional jurisdiction. He maintained that no allegation of mala fide, lack of jurisdiction, violation of any mandatory statutory provision, or infringement of any fundamental right by the official respondents has been established to warrant interference by this Court. He lastly submitted that the order dated 12.11.2024 did not confer perpetual supervisory jurisdiction upon this Court over the future affairs of the Association, nor did it authorize the official respondents to adjudicate disputes arising between rival groups after completion of the election process. He therefore prayed that the petition, being misconceived and not maintainable, be dismissed in limine.

5. We have heard the learned counsel for the petitioners on the maintainability of the petition and have examined the material available on record. It is an admitted position that the election process of the All Sindh Primary Teachers Association was the subject matter of C.P. No.D-1553 of 2024, wherein this Court, through an order dated 12.11.2024, devised a comprehensive mechanism for conducting free, fair, transparent, and impartial elections by constituting an Election Monitoring Committee comprising representatives of both groups of the Association. The said order was accepted by the parties and attained finality. Pursuant thereto, the official respondents conducted the election

process from the unit level up to the central level under their supervision and monitoring, and a compliance report was also submitted before this Court.

6. The controversy raised in the instant petition essentially relates to the validity of a rival election process allegedly conducted by a faction of the Association and the consequential notification dated 21.05.2026 issued by private respondents. The dispute thus pertains to the internal affairs, management, and electoral process of an association. Resolution of such controversy necessarily requires examination of disputed questions of fact, including the legitimacy of the rival electoral exercise, the status and authority of the competing office-bearers, and the legal effect of the proceedings undertaken by the respective factions. Such questions cannot appropriately be adjudicated in constitutional jurisdiction under Article 199 of the Constitution, particularly when evidence may be required for their determination.

7. It is by now a settled principle of law that constitutional jurisdiction is primarily meant for the enforcement of fundamental and legal rights against unlawful executive or statutory action and is ordinarily not invoked for adjudication of disputed private rights or factional disputes within private associations, especially where the controversy requires recording of evidence. The petitioners have not pointed out any statutory provision conferring upon this Court the role of determining the validity of rival elections of the Association in the exercise of constitutional jurisdiction. Nor has any order been placed before us demonstrating that the impugned notification has been issued by a statutory authority acting in violation of any mandatory provision of law.

8. Furthermore, the order dated 12.11.2024 passed in C.P. No.D-1553 of 2024 was intended to facilitate and monitor the conduct of elections and did not confer perpetual supervisory jurisdiction upon this Court over all future disputes arising amongst rival groups of the Association. Any grievance regarding implementation, violation, or consequences of the said order is required to be agitated before the appropriate forum in accordance with the law. Constitutional jurisdiction cannot be converted into a forum for resolving recurring electoral disputes between competing factions of an association.

9. In the circumstances, we are of the considered view that the petition involves disputed questions of fact and concerns the internal electoral affairs of an association for which an adequate remedy is available under the ordinary law. No case of lack of jurisdiction, coram non judice proceedings, violation of any mandatory statutory provision, or infringement of any fundamental right warranting interference under Article 199 of the Constitution has been made out.

10. Consequently, this petition is dismissed in limine, along with all pending applications, if any.

11. Needless to observe that the petitioners shall be at liberty to seek such remedy as may be available to them under the law before the competent forum, which shall decide the matter independently and strictly in accordance with law, without being influenced by any observation made herein.

JUDGE

JUDGE

Nasim/P.A