

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1517 of 2026

[Ali Muhammad Naich v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioner by : Mr. Saif-ur-Rehman Naich, Advocate

Respondents by : Mr. Israr Ahmed Shah, Assistant Advocate
General Sindh

Date of Hearing : **23.09.2026**

Date of Decision : **23.09.2026**

ORDER

ARBAB ALI HAKRO, J. – The petitioner seeks a direction to the respondents to process his application and to appoint him to the deceased quota under the School Education & Literacy Department, Government of Sindh.

2. The petitioner’s father, late Rasheed Ahmed, a Primary School Teacher (BPS-14), died in service on 01.01.2015, when the petitioner, born on 10.01.2008, was a minor. Upon attaining majority on 10.01.2026, he applied to the Secretary, School Education & Literacy Department, on 12.05.2026, but the application has remained pending.

3. Learned AAG Sindh waives notice on behalf of the respondents, and with the consent of both parties, the petition is taken up for disposal at the motion stage.

4. Learned counsel for the petitioner contends that, under Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, limitation for a minor runs from the date of majority, not from death, and that the application, filed within four months of majority, is timely.

5. Learned AAG Sindh does not seriously dispute this and submits that the claim may be examined by the Administrative Department.

6. Although the father died after the two-year cap was introduced into Rule 11-A vide Notification dated 16.09.2014, this does not defeat the claim. In *Province of Sindh v. Azhar Ali* (**2026 SCLR 6**, decided 01.09.2025), the Supreme Court held that where the widow was not accommodated in place of the minor children, a minor's right to apply after majority is not stifled, consistent with Rule 11-A's beneficial character. Whether this applies here, including whether the petitioner's mother was accommodated, and whether his application was timely by comparable standards, requires examination of the departmental record, and is left to the Administrative Department along with the merits.

7. The omission of Rule 11-A following *General Post Office, Islamabad v. Muhammad Jalal* (**PLD 2024 SC 1276**) also does not bar the claim. The Federal Constitutional Court in *The Province of Sindh v. Muhammad Rizwan Khan* (**F.C.P.L.A. Nos. 508, 591, 346, 347, 348, 589, 267, 593, 130 and 353 of 2025**) held that *Muhammad Jalal's* declaration operates prospectively and does not extinguish rights that had already accrued, a position consistent with the Supreme Court's holding in *Azhar Ali* (supra) and with the beneficial character of Rule 11-A discussed above. Since the accrual event (the father's death) predates 26.09.2024, the claim is protected by the Notification dated 30.04.2026 issued by the Services, General Administration & Coordination Department (Regulations Wing), Government of Sindh, which gives effect to this beneficial protection by saving such rights for merit-based decision under the omitted Rule 11-A.

8. The petitioner's claim is thus an accrued right protected by the Notification; the limitation question noted in paragraph 5 remains for the Administrative Department to decide, bearing in mind that Rule 11-A is beneficial legislation entitled to a liberal and purposive construction, that a minor legal heir cannot be blamed for a disability of age beyond his control, and that the principles laid down in *Azhar Ali* (supra) require the benefit to be preserved rather than defeated wherever the language of the Rule reasonably permits.

9. The petition is **disposed of** with the direction that Respondent No.4, District Education Officer (Primary), Ghotki @ Mirpur Mathelo, shall forward the petitioner's application and documents to Respondent No.1 within four weeks. Respondent No.1 shall thereafter decide the petitioner's claim on merit, keeping in view the beneficial construction discussed in paragraph 8 above and the principles laid down in *Azhar Ali* (supra), and shall not reject the claim on the ground of limitation or minority without due and specific consideration of those principles, by a well-reasoned, speaking order passed after affording the petitioner an opportunity of personal hearing, within a further period of four weeks.

Office to communicate this order to Respondents No.1 and 4 through all available modes, including electronic transmission, for immediate compliance.

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Abdul Basit