HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1334 of 2020

[Mst. Sarwat Khatoon vs. Province of Sindh and others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	By Mr. Masood Illahi Sahito, Advocate
Respondents1&2:	By Mr. Ayaz Ali Rajper, Assistant A.G Sindh
Respondents 3to4:	None present
Date of hearing	23.10.2026
Date of Decision	23.10.2026

O R D E R

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ADNAN-UL-KARIM MEMON J:- The petitioner, a Teacher at Public School Hyderabad, seeks promotion to BPS-18 with all consequential benefits on the basis of seniority, alleging unlawful demotion and discrimination by the school administration.

2. Learned counsel for the petitioner contends that she was promoted to BPS-18 on 13.03.2010 pursuant to the order dated 21.10.2009 passed by this Court in C.P. No. D-159/2008 Sirajuddin and others v. Public School and others, after completion of the prescribed formalities. However, the then Principal due to personal grudge, twice demoted her to BPS-17, despite the subsequent withdrawal of the first demotion order by the succeeding Principal. The petitioner asserts that, following the retirement of senior-most teachers and promotion of another colleague, she now stands at Serial No.1 in the seniority list; that despite repeated representations, including the application dated 28.10.2020, she has not been promoted to BPS-18. She submits that criminal cases instituted against her, bearing Crime No.73/2011 and Special Case No.26/2019, culminated in her acquittal on 11.02.2015 and 10.02.2020, respectively, and therefore cannot justify denial of promotion.

3. No one is in attendance on behalf of respondent Nos. 3 to 5.

4. Learned Assistant Advocate General, Sindh, submits that the Government of Sindh has no concern with the controversy. However, he added that the genuine issue of the petitioner may be referred to the competent authority of respondent

school for fresh decision in accordance with by-laws of the respondent public school.

5. We have heard learned counsel for petitioner, learned Assistant Advocate General, Sindh, and examined the available record.

6. The controversy primarily relates to the petitioner's claim for promotion to BPS-18, the legality of her alleged demotion, and her placement in the seniority list. Although the petitioner relies upon her earlier promotion order dated 13.03.2010 and subsequent acquittal in the criminal cases, such circumstances, by themselves, do not confer an automatic or vested right to further promotion. Promotion is ordinarily subject to the applicable service rules, prescribed eligibility criteria, availability of a sanctioned post, and consideration by the competent authority in accordance with law.

7. Nevertheless, subject to final say by the competent authority, the petitioner's promotion to BPS-18, if validly granted and not lawfully withdrawn, could not be nullified merely through an order issued by the Principal without lawful authority or observance of the prescribed procedure. Any adverse order affecting her rank, status, or accrued service benefits must be supported by lawful authority and compliance with the principles of natural justice. Similarly, her acquittal in the criminal cases cannot be disregarded as a ground for denying promotion without examining the applicable service rules and the nature and effect of the judgments of acquittal.

8. The petitioner's assertion that she presently stands at Serial No.1 in the seniority list also requires verification from the official record, which is the function of the competent authority. Seniority alone does not guarantee promotion, but the competent authority is under a legal obligation to consider an eligible employee's case fairly, objectively, and without discrimination or extraneous considerations. Repeated representations, if left undecided without lawful justification, cannot substitute for a reasoned decision by the competent authority.

9. In view of the above, and particularly when the learned Assistant Advocate General, Sindh, has stated that the Government of Sindh has no concern with the controversy, we asked him whether Public School is a government-owned and controlled school; he stated that this has now been handed over to IBA Sukkur. If this is the position of the case, the matter appears to concern the administration and competent governing authorities of Public School Hyderabad, and it is for them to decide on the subject issue as per their by-laws after hearing the petitioner.

10. Accordingly, without expressing any opinion on the petitioner's entitlement to promotion, and merits of the case, the petition needs to be disposed of with a direction to the competent authority of Public School Hyderabad to examine her

promotion and demotion orders, relevant service record, applicable rules / bylaws, and seniority position; determine whether she is entitled to restoration of BPS-18 and/or consideration for promotion; and pass a speaking order, after affording her an opportunity of hearing, within three weeks. Any consequential benefits shall be determined in accordance with law. In case the petitioner is found entitled to relief, the same shall not be denied on grounds unsupported by the applicable rules.

11. The petition stands disposed of in the above terms.

JUDGE

JUDGE

Karar_Hussain/PS*