

IN THE HIGH COURT OF SINDH, KARACHI

C. P. NO. D-972 / 2026

(Dr. Sumaiya Kazi & Others Vs. The Province of Sindh & Others)

Present:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Muhammad Jaffer Raza

13.08.2026.

Mr. Qazi Ali Athar, Advocate for Petitioner.
Mr. Zohaib Sarki, Additional Advocate General Sindh.
Mr. Abdul Samad Shaikh, Advocate for Respondent.

Adnan-ul-Karim Memon, J. The Petitioners have filed this Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 for the following reliefs: -

- “a. to issue notices to the Respondent Nos. 01 to 06,
- b. to ensure that the writ of law should be upheld as to restrain the Respondents from the Constitutional violations,
- c. to declare that "Doctor of Physio Therapy (DPT)" graduates are entitled to a mandatory one-year PAID/STIPEND "House Job/Internship",
- d. to direct the Respondents No. 1 to immediately start PAID/STIPEND "House Job" positions for 'DPT' graduates inline with "HEC" policy recommendations in all public sector hospitals including JPMC and other teaching hospitals and their affiliated universities,
- e. to issue directives that the monthly Stipend of "DPT House Officers" be fixed at par to the "MBBS House Officers" (currently Rs. 69,000/- or as revised), because their curriculum, clinical subjects, length of professional degree followed by one-year mandatory 'House-Job' are same; even their institutions and area of practice are also same,
- f. to issue directives to immediately stop this white apron forced labour & modern outlawed slavery under the title of mandatory "Non-Stipend House-Job" by the last 9 years being introduced by the Respondent No 2 and facilitated by the Respondent No. 6,
- g. to issue directives for issuance of a formal notification for uniform implementation across Sindh,
- h. to grant appropriate retrospective relief or compensation to "DPT House Officers" who have already completed unpaid House-Jobs since 2018,

- i. add-Interim relief be granted for immediate Stipend placement, hostel and subsidized doctors' mess and other facilities (likewise MBBS House Officers and BS-Nursing interneers) to the current "DPT House Officers" herein the Petitioners from the date of their selection October 6, 2025, which includes cost of living, transportation, and mess until and unless this Hon'ble Court may decide the Petition on its merit.

2. Learned counsel for the Petitioners submitted that they are DPT graduates who have completed a five-year professional degree recognized by HEC and are required under the HEC curriculum/policy to undergo a mandatory one-year house job. He contended that, despite performing full-time clinical duties as DPT House Officers at JPMC, they were being required to work without stipend, whereas MBBS House Officers and BS-Nursing interneers were receiving paid internships. It was argued that such differential treatment was discriminatory and violative of Articles 11, 25 and 27 of the Constitution, particularly when physiotherapists had already been recognized as health professionals and granted allowances at par with doctors. Counsel further submitted that the mandatory house job was also a licensing requirement and that the non-stipendiary arrangement amounted to exploitation and forced labour. The Petitioners also challenged the JPMC notice declaring the house job non-stipendiary and threatening non-issuance of completion certificates to those pursuing legal remedies. He prayed to allow this petition.

3. On the other hand, learned AAG assisted by the counsel for the Respondents pointed out that the Petitioners had accepted their selection letters as DPT House Officers with full knowledge that the house job was without payment and, therefore, could not subsequently claim stipend. However, learned Additional Advocate General submitted that, if any policy of the Government of Sindh provided for payment of stipend during house jobs, the Petitioners' cases could also be placed before the competent authority for consideration in accordance with law and policy.

4. In view of the pleadings and submissions of the parties, prima facie the grievance of the Petitioners cannot be said to be without substance.

5. The Petitioners are DPT graduates holding five-year professional qualifications and claim that their one-year house job is an integral and mandatory component of their professional training. Their principal grievance is that, while they are performing clinical duties as House Officers, similarly placed MBBS House Officers and nursing interneers are being paid stipends, whereas the Petitioners have been required to perform the same nature of institutional and

clinical duties without remuneration. Such a distinction, particularly where the duties and purpose of the internship are substantially comparable, requires examination by the competent authority in the light of the constitutional guarantee of equality before law and equal protection of law under Article 25 of the Constitution.

6. At the same time, this Court cannot directly substitute its own policy determination for that of the competent executive authority, particularly regarding creation of paid posts, fixation of stipend, allocation of budgetary resources and retrospective financial liability. The Petitioners' acceptance of their selection letters with knowledge of the non-stipendiary condition is also a relevant consideration, although such acceptance by itself does not conclusively bar examination of a claim founded upon an alleged discriminatory governmental policy or statutory/regulatory entitlement. Likewise, the allegations of forced labour and exploitation involve serious constitutional questions which require determination on the basis of the applicable legal and governmental framework rather than mere assertion.

7. Accordingly, the appropriate course is to remit the matter to the Secretary, Health Department, Government of Sindh, being the competent authority, to examine whether DPT House Officers are similarly situated to MBBS House Officers and BS-Nursing interneers for purposes of stipend and allied facilities, and whether any existing policy, rule, notification or administrative practice entitles them to such benefits. The competent authority shall consider the matter objectively, without discrimination, and after taking into account the relevant HEC curriculum/policy, the nature and duration of the house job, the duties performed by the Petitioners, the treatment afforded to comparable health professionals, and the applicable budgetary and legal framework. If they succeed to establish that similarly placed interneers are receiving stipends under a policy applicable to the Petitioners, the competent authority shall extend the benefit to the petitioners in accordance with law and shall give cogent reasons if any distinction is maintained by the Health Secretary.

8. Since the matter involves policy determination and financial consequences falling within the executive domain, this Court would not be justified at this stage in issuing a blanket direction for payment of a particular stipend or retrospective compensation without first obtaining a determination from the competent authority as discussed supra. However, such determination must be a speaking, reasoned and non-discriminatory order, and cannot be based merely upon the fact that the Petitioners were initially selected for an unpaid house job. The authority

shall decide the matter within a period of two months by hearing the representative of the petitioners and communicate its decision to the Petitioners.

9. For these reasons, and without touching the merits of the case and with the consent of the parties, this Petition is disposed of alongwith listed / pending applications by remitting the Petitioners' grievance to the Secretary, Health Department, Government of Sindh, with the aforesaid directions.

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