

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
C.P. No.D-11 of 2019.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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PRESENT:

Mr. Justice Riazat Ali Sahar,
Mr. Justice Ali Haider 'Ada',

1. For orders on office objection 'A'.
2. For orders on maintainability of main case.

M/s Abdul Ghani Bijarani and Sajid Hussain Mahesar, Advocates
for the petitioners.

Mr. Saeed Akbar Siyal, Asstt. A. G a/w Syed Abdul Ghaffar Shah,
DEO (Primary) Kashmore @ Kandhkot.

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Date of Hearing : 16.09.2026.

Date of Decision : 16.09.2026.

ORDER.

ALI HAIDER 'ADA', J- Through this petition, the petitioner has prayed
for the following relief(s) :

- a) *That this Hon'ble Court may be pleased to direct the respondents 2 and 3 to appoint the petitioner as PST because he was successful candidate and one Asadullah Ogahi PST has already tendered his resignation on 28.07.20216.*
- b) *To grant any relief(s) to the petitioner, which this Hon'ble Court deems fit and proper in the circumstances of the case.*
- c) *To award the cost of the petition.*

2. It is case of the petitioner that the respondents No.2 and 3 advertised posts of Primary School Teacher (PST's), he being eligible applied for the same; further it was the policy of the respondents that the Primary School Teachers will be appointed from the Union Council, where the candidate is residing. It is also averred in the petition that the petitioner secured 78 marks in written test conducted by the National Testing Service. Also it is the case of the petitioner that 12 candidates were appointed by the respondents being topper candidates having 80 marks.

3. Learned Assistant Advocate General, Sindh, files comments of respondent No.3, under the cover of his statement dated 16.09.2026, taken on record. The respondent No.3, while replying pra-6 of the petition has submitted as :

"It is respectfully submitted that the appointments were made purely on the basis of merit. At the relevant time, there were 09 need-based vacancies for the post of PST in UC Akhero, distributed as follows:

- Male Category: 01*
- Female Category: 03*
- Mixed Category: 05 (Male & Female combined merit list)*

The last candidate selected in the Mixed Category secured 80 marks in the test and stood at Merit No. 04 in the Male Category as well as Merit No. 10 in the Mixed Category. The petitioner stood at Merit No. 05 in the Male Category and Merit No. 11 in the Mixed Category. Therefore, the petitioner could not be selected against the available vacancies as the candidates higher in merit were selected in accordance with the prescribed merit position."

4. Since the respondents have denied the petitioner's claim for appointment as Primary School Teacher on merit on the ground that he secured lesser marks than other candidates, he was not selected for appointment. It is also admitted by the petitioner himself in paragraph

No.6 of the petition that 12 candidates were appointed by the respondents as topper candidates, having secured 80 marks, whereas the petitioner secured 78 marks. In view of this admitted position, the petitioner, having secured lesser marks than the candidates who were selected and appointed on merit, cannot claim appointment as Primary School Teacher as prayed for.

5. Accordingly, the instant petition, being misconceived and devoid of merit, is hereby dismissed.

Judge

Judge

M.ousuf.Panhwar**