IN THE HIGH COURT OF SINDH AT KARACHI

C. P No. D- 1652 of 2026
[Muhammad Hasnain Quershi v. the Government of Sindh]

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

Petitioner	:	through Ms. Samreen Ali Rizvi, Advocate
Respondents	:	through Mr. Ali Safdar Deepar, AAG
Date of hearing & order	:	**23.10.2026**

O R D E R

RIAZAT ALI SAHAR, J.- By way of instant petition, the petitioner seeks a writ of mandamus for his appointment to the post of Naib Qasid against the deceased quota, pursuant to the erstwhile Rule 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 (the "APT Rules").

Learned counsel for the Petitioner submits that the Petitioner's late father, Muhammad Shakeel Qureshi, a regular Naib Qasid at Government Boys Primary School, Sukhio Village, New Karachi, died in service on 20.04.2017. According to learned counsel for the petitioner, the petitioner after completing all codal formalities, applied for the post of Naib Qasid somewhere in the year 2017 on deceased quota and his application was forwarded by the District Education Officer (Primary) District Karachi West to the Secretary Education & Literacy Department on 05.10.2021, which the respondents have neither processed nor responded to it or to the legal notice dated 27-01-2026, and have now orally cited PLD 2024 SC 1276 as the reason for refusing to entertain such appointments.

That provision had been declared unconstitutional by the Supreme Court of Pakistan in the case of **General Post Office, Islamabad v. Muhammad Jalal (PLD 2024 SC 1276)**, whereafter Rule 11-A was omitted from the APT Rules. However, the learned Addl.A.G. Sindh draws attention to a recent notification dated 30.04.2026, issued by the Government of Sindh to insert a proviso to the omission of Rule 11-A, which reads:

"Provided that if a right of employment had already accrued to any of the children or, as the case may be, spouse of the civil servant, he or she shall not be deprived of the benefit accrued to him or her prior to the judgment of the Hon'ble Supreme Court of Pakistan dated 26.09.2024, passed in Civil Petition No. 3390 of 2021. notwithstanding the omission of Rule 11-A thereunder, as observed by the Hon'ble Federal Constitutional Court of Pakistan vide order dated 27.02.2026 in F.C.P.LA Nos. 508, 591, 346, 347, 348, 589, 267, 593, 130 and 353 of 2025, and shall be considered and decided at the level of the Administrative Department, on merit and in accordance with all provisions of omitted Rule 11-A of the Rules ibid".

Learned Addl.A.G. Sindh submits that reading said notification with the Sindh Government Rules of Business, all applications for appointment on the deceased quota will now be decided by the Administrative Head of the concerned department.

In view of the foregoing development, we refer the petitioner to the Secretary, Education and Literacy Department, Government of Sindh, Karachi, for assessing the petitioner's application under aforesaid Notification dated 30.04.2026.

Petition disposed of in the said terms.

JUDGE

JUDGE

Nadir*