Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

CP No.D-6755 of 2026

(Uzair Sufiyan v. Province of Sindh and others)

Date	Order with signature of Judge

Before:

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

1. For orders on Misc. No.26941/2026
2. For orders on offi ce objection no.1
3. For orders on Misc. No.26942/2026
4. For hearing of main case

Date of hearing & order: 20.10.2026

Mr. Israr Ahmed Abro, advocate for the petitioner
Mr. Abdul Jalil Zubedi, Additional Advocate General Sindh

ORDER

Riazat Ali Sahar, J.

1. Urgency granted.

2. Overruled.

3-4. Through the instant constitutional petition, the petitioner prays for a writ for appointment to the post of Junior Clerk (BS-11) in School Education & Literacy Department, Government of Sindh, on the deceased quota under the erstwhile *Rule 11-A* of the Sindh Civil Servants (Appointment, Promotion & Transfer), Rules, 1974 [APT Rules).

Learned counsel for the petitioner contends that her mother Late Farida Khawaja while serving as Primary School Teacher (PST) at GGPS APWA, Karachi, died on 06.06.2020. The petitioner applied on 26.05.2022 for appointment on the deceased quota within two years of her death. Subsequently, the petitioner was issued an offer letter dated 14.10.2024 for the post of Junior Clerk (BS-11) in the School Education & Literacy Department, under the deceased quota. . He further contends that, despite issuance of the aforesaid offer letter, the respondents have failed to issue the formal appointment order in favour of the petitioner, without assigning any lawful justification for such inaction.

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 A.A.G. Sindh present in Court in some other matters waives notice and 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 A.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 to Government of Sindh, School Education & Literacy Department, Karachi, for assessing the petitioner's eligibility under aforesaid Notification dated 30.04.2026.

Petition stands ***disposed of*** in the said terms alongwith pending application(s), if any.

JUDGE

JUDGE

Nadir*