THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

BEFORE:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Const. Petition No. D-74 of 2026
[Ghulam Rasool Gorar & others Vs. Province of Sindh & others]

along with

Const. Petition No. D-640 of 2026
[Muhammad Hassan Lohar Vs. Province of Sindh & others]

Petitioners	**:**	Through M/s. Ashfaque Hussain Abro & Naseer Ahmed Waggan, Advocates
Respondents	**:**	Through Mr. Liaquat Ali Shar, Additional Advocate General, Sindh assisted by Mr. Saeed Akbar Siyal, Assistant A.G., Sindh Imran Ali Siyal, ADC-II, Dadu, Khudeja Mumtaz Panhwar, DEO(ES&HS) Dadu & Muhammad Hassan Shah, Ex-DEO, Dadu
Date of Hearing	**:**	**03-11-2026**
Date of Order	**:**	**03-11-2026**

O R D E R

ARBAB ALI HAKRO, J.— Through these two petitions under Article 199 of the Constitution, arising from the same recruitment exercise and raising an identical controversy, the petitioners seek a declaration that the offer letters issued to them in July 2023 for non-technical posts in BPS-01 to BPS-04 are intact and a direction to the respondents to allow them to join. Both are decided by this common order.

2. The District Education Officer (Elementary, Secondary & Higher Secondary), Dadu (hereinafter referred to as '**the DEO**'), advertised in the daily Dawn on 17.05.2023 two hundred and ninety-three posts of Lab Attendant, Hamal, Chowkidar, Naib Qasid, Sweeper, Malhi and Cook in BPS-01 to BPS-04, to be filled through walk-in interviews before the District Recruitment Committee (hereinafter referred to as '**the Committee**') from 05.06.2023 to 08.06.2023, in accordance with the policy/SOP circulated by

the Services, General Administration & Coordination Department under letter dated 26.04.2023. The thirty-six petitioners in C.P. No. D-74 of 2026 and the petitioner in C.P. No. D-640 of 2026 claim that they appeared before the Committee, were declared successful, and were issued offer letters by the then DEO on 04.07.2023 and 11.07.2023 for the posts of Naib Qasid, Chowkidar, Sanitary Worker, Malhi and Lab Attendant. Their grievance is that they have not been allowed to join since. They attribute the hold-up to the interim order passed in Suit No. 1493 of 2023 at the Principal Seat and, relying on the orders of this Court in C.P. Nos. D-1435, D-1351 and D-1352 of 2023, contend that the order in that suit binds only the parties to it.

3. The Deputy Commissioner, Dadu (respondent No.2), who chairs the Committee, and the present DEO (respondent No.3) have filed comments. Their stand is categorical that no meeting of the Committee was convened, no interview was held, no offer letter was issued from the office of the DEO, the process stood suspended under the order passed in Suit No. 1493 of 2023, and no right accrued to the petitioners. Since the offer letters bear the signature of the then DEO, he was required by order dated 08.09.2026 in C.P. No. D-640 of 2026 to attend to and verify them. He filed a statement on affidavit dated 06.10.2026 in which he claims ownership of the letters. He states that the District Selection Committee was constituted under sub-rule (1) of rule 5 of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 (hereinafter referred to as '**the Rules of 1974**'); that interviews were conducted by sub-committees formed in consultation with the Chairman; that merit and waiting lists were displayed and attracted no objection; that the final recommended list was submitted to the Chairman; that the offer orders were prepared and handed over to the Chairman for distribution, and that further proceedings were halted pursuant to the order of the Court. He has annexed a list of two hundred and forty-two recommended candidates, in which the names of all the petitioners appear. The list carries his signature alone. The petitioners have also placed on record an advertisement dated 20.07.2026, by which the DEO has re-advertised two hundred and seventy-four posts in BPS-01 to BPS-04.

4. Learned counsel for the petitioners contends that the offer letters were issued by the competent authority after completion of the recruitment process; that an order made and acted upon cannot be recalled in view of

section 21 of the General Clauses Act, 1897, and the rule of locus poenitentiae; that the interim order in the suit never bound the petitioners, who were not parties to it; and that by re-advertising the very posts, the respondents have discriminated against them.

5. Learned Additional Advocate General supports the comments. He submits that the Chairman of the Committee disowns the process altogether; that no appointment order was ever issued to any petitioner; that the petitions turn on disputed questions of fact which cannot be resolved in the writ jurisdiction; and that, in any event, the recruitment initiated on the strength of the 2023 advertisements remained suspended under the order passed in the suit.

6. We have heard learned counsel for the parties and examined the record.

7. We take the offer letters first. Each recites that the post is offered "on qualifying the interview process conducted by this office and on recommendation of the District Selection Committee". Each is, on its own terms, subject to physical fitness and verification of character antecedents; requires the candidate to send his written consent with the prescribed documents within fifteen days, "failing which the offer shall stand cancelled/withdrawn"; and is "subject to amendment/withdrawal/cancellation due to any error/claim or any other reason conflicting with the government rules/policy". No consent, medical certificate, police verification, appointment order or posting order is on record for any of the petitioners, and none of them joined. The letters are thus conditional offers which, even on the petitioners' own showing, never ripened into appointment. The jurisdiction under Article 199 is meant to enforce a right, not to establish it; the right asserted must be clear and complete, and there must be an actual infringement of it.[1] An offer of appointment which has not been accepted and acted upon is in the nature of an intimation; it does not by itself bring into existence a right of the kind that section 21 of the General Clauses Act or the rule of locus poenitentiae protects, for both presuppose a lawful order that has been acted upon.[2] ***Muhammad Rafi***[3], on which the petitioners

[1] *Arab v. Province of Sindh* 2026 SCMR 300.
[2] *Chief Secretary, Government of the Punjab v. Zia-ur-Rehman* 2020 SCMR 436; *Mst. Sajida Javed v. Director of Secondary Education, Lahore Division* 2007 PLC (C.S.) 364.

rely, does not advance their case. There, the authority admitted having issued the appointment letters, the appellants had accepted them, and the only question was whether the process could be scrapped thereafter. Here, the very holding of the process and the issuance of the letters are denied by the Chairman of the Committee itself.

8. That brings us to the real difficulty in these petitions. The record contains two statements on oath by two public functionaries that cannot both be true. The Chairman of the Committee says that it never met. The officer who signed the letters says that it met and recommended, and that he handed the offer orders to the Chairman himself. The list he produces bears no signature of the Chairman, and no minutes of the Committee are before us. The letters themselves carry features that only the original record can explain: the dispatch numbers on letters of the same date are handwritten and widely apart; the post of Lab Attendant, advertised in BPS-03, is offered in BPS-02; the post of "Sanitary Worker" is offered though "Sweeper" was advertised, and the list shows two hundred and forty-nine "agreed posts" against two hundred and ninety-three advertised. We mention these only as matters requiring verification, not as findings. Whether the letters were genuinely issued by the competent authority on the recommendation of a duly constituted Committee, whether the petitioners were in fact interviewed and recommended on merit against sanctioned posts, and whether the record has been manipulated at any stage are questions that cannot be decided on photocopies in the exercise of constitutional jurisdiction.[4] At the same time, the Supreme Court has made it clear that in matters of this kind, particularly where candidates for the lowest pay scales are concerned, the High Court ought not to non-suit the petitioners outright but should have the department verify the genuineness of the letters, ascertain who issued them and who is answerable for them, and do so after hearing the persons affected.[5] That is the course this Court has taken in identical controversies in C.P. No. D-721 of 2026 (Sukkur Bench, 02.09.2026) and C.P. No. D-461 of 2026 (Circuit Court Mirpurkhas, 14.10.2026), and we see no reason to depart from it.

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[3] *Muhammad Rafi v. Federation of Pakistan* 2016 SCMR 2146.
[4] *Arab* (n.1 above).
[5] *Arab* (n.1 above); *Muhammad Yaseen v. Province of Sindh* 2023 SCMR 1703; *Government of the Punjab v. Aamir Junaid* 2015 SCMR 74.

9. The position regarding the suit is as follows. Recruitment for these posts remained suspended for a period pursuant to the order passed in Suit No. 1493 of 2023 by the High Court of Sindh at Karachi, and the embargo was lifted only after the notification of the Services, General Administration & Coordination Department dated 31.10.2025. The DEO's re-advertisement of 20.07.2026 proceeds on that footing. So long as the order in the suit was in force, no appointment could lawfully have been made on the basis of an advertisement covered by it, and this Court could not have directed otherwise in exercise of jurisdiction under Article 199, the High Court not being a "person" within the meaning of clause (5) of that Article.[6] The suspension therefore explains the interval between July 2023 and the lifting of the embargo, but no more than that. It can no longer be invoked by the respondents as a reason for not acting on whatever lawful recommendations may exist, nor can the petitioners treat it as the sole explanation for their letters not having been acted upon. Whether the advertisement of 17.05.2023 was covered by that order, and whether the recommendations of 2023, if genuine, remain capable of being acted upon after the lifting of the embargo under the recruitment policy in force, are matters the inquiry must determine from the record of the suit and of the department. The orders in C.P. Nos. D-1435, D-1351 and D-1352 of 2023 relied upon by the petitioners dealt with the effect of an interim order on persons who were not parties to the suit; they do not establish that any right to appointment accrued to the petitioners.

10. In these circumstances, the petitions can neither be allowed nor dismissed outright. To allow them would be to enforce a right not yet shown to exist and to decide seriously disputed facts on affidavits. To dismiss them would be to shut out petitioners whose letters are sworn on oath by the very officer who signed them, without the genuineness of those letters ever being examined by a neutral authority. Therefore, we deemed it appropriate to **dispose of** both petitions with the following directions:

(i) The Chief Secretary, Government of Sindh, shall, within fifteen days of receipt of this order, constitute an inquiry committee headed by an officer not below BPS-20 of the Services, General Administration & Coordination Department, with a nominee of the Secretary, School Education & Literacy Department, not

[6] *Chief Justice of Pakistan Iftikhar Muhammad Chaudhry v. President of Pakistan* PLD 2010 SC 61.

below BPS-19, as a member. No officer of the district administration, Dadu, or of the office of the DEO, Dadu, shall be a member, both offices having taken a position on the record.

(ii) The committee shall call for and examine the original recruitment record, including the approval dated 26.04.2023 and the sanctioned vacancies; the notification constituting the Committee; the attendance and interview record; the merit and waiting lists; the minutes; the outward and dispatch registers of the office of the DEO; and the office copies of the offer letters. It shall record the statements of the then DEO and of the officer who held the office of Deputy Commissioner, Dadu, in June and July 2023, and may obtain expert opinion on signatures and dispatch entries where it considers necessary.

(iii) The committee shall determine (a) whether the Committee was duly constituted, met, and recommended the petitioners on merit against sanctioned posts; (b) whether the offer letters relied upon by the petitioners were genuinely issued by the competent authority; (c) whether the advertisement dated 17.05.2023 fell within the scope of the order passed in Suit No. 1493 of 2023, and whether, the embargo having been lifted after the notification dated 31.10.2025, the recommendations of 2023, if genuine, remain capable of being acted upon under the recruitment policy in force; and (d) whether any manipulation, fabrication, or unauthorised issuance of documents has occurred, and, if so, by whom.

(iv) The petitioners shall be given notice and an opportunity to submit their material to the committee and to be heard. The inquiry shall be concluded within sixty days of receipt of this order.

(v) Within thirty days thereafter, the Secretary, School Education & Literacy Department, shall pass a speaking order in respect of each petitioner. If the process and the letters are found genuine and lawful, and not barred by the recruitment policy in force, the petitioners shall be offered appointment, subject to fulfilment of the conditions of the offer letters and the eligibility criteria, in accordance with law. If any document is found forged, fabricated, or issued without authority, action shall be taken against those responsible, whether official or otherwise, strictly in accordance with law.

(vi) The recruitment under the advertisement dated 20.07.2026 is not stayed. However, the finalisation of that process, by itself, shall not be a ground for denying relief to a petitioner found entitled under clause (v).

11. Nothing in this order shall be construed as a finding on the genuineness of the offer letters or on the legality of the recruitment process. Those questions shall be determined by the inquiry committee on the original record, after hearing the parties concerned.

12. Both petitions, along with the pending applications, stand disposed of in the above terms. The office shall place a copy of this order in the connected petition and transmit copies to the Chief Secretary, Government of Sindh, and the Secretary, School Education & Literacy Department, for compliance.

JUDGE

JUDGE

Zulfiqar