

# HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

**Before:**

**Justice Arbab Ali Hakro**

**Justice Muhammad Jaffer Raza**

**C.P No.D-337 of 2026**

[Bherji Mal and 06 others v. Province of Sindh and 06 others]

Petitioners by : Mr. Kanji Mal Meghwar, Advocate

Respondents by : Mr. Ghulamullah Memon, Additional A.G Sindh a/w Shahid Mustafa, Mukhtiarkar Mithi and Dr. Lekhraj, D.H.O, Tharparkar @ Mithi

Dates of Hearing : **05.05.2026**

Date of Decision : **19.05.2026**

## **ORDER**

**ARBAB ALI HAKRO J:-** The present petition, instituted under Article 199 of the Constitution, calls into question the alleged inaction of the respondents in issuing offer letters to the petitioners, who assert that they were duly recommended by the District Selection Committee, Tharparkar, for various non-technical posts in BPS- 01 to BPS- 04. The grievance is that despite the culmination of the recruitment process and the subsequent decision of the Provincial Cabinet lifting the ban on appointments, the petitioners remain deprived of their appointment letters without any lawful cause.

2. The factual matrix, as emerging from the pleadings, reveals that the petitioners, all permanent residents of District Tharparkar, participated in walk-in interviews conducted pursuant to advertisements dated 03.09.2021 and 04.09.2021. They claim to have been duly assessed and recommended by the District Selection Committee in its meeting dated 07.08.2023, wherein their names were reflected at various serial numbers in the list of 220 recommended candidates. The petitioners further rely upon the Provincial Cabinet's decision dated 01.12.2025, communicated on 03.12.2025, directing issuance of offer letters to recommended candidates.

3. The respondents, however, dispute the very foundation of the petitioners' claim. Respondent No. 6 and Respondent No. 7 have categorically stated that the petitioners were not recruited through District Selection Committee (DSC) and that although minutes of the meeting dated 07.08.2023 exist, the petitioners do not fall within the category of candidates for whom compliance was undertaken pursuant to the Order dated 18.02.2026, passed in C.P. No. D-973/2025.

4. Heard and perused the record.

5. The record discloses a material divergence between the petitioners' assertion of being recommended candidates and the respondents' categorical denial of their recruitment through the DSC. The minutes of the meeting dated 07.08.2023 are stated to exist, yet the respondents dispute the petitioners' inclusion therein. This conflict strikes at the root of the petitioners' entitlement and cannot be resolved merely on the basis of competing affidavits.

6. This Court is not a fact finding forum for determining disputed factual controversies requiring verification of documentary authenticity, administrative records, or allegations of manipulation. The petitioners' claim of recommendation, juxtaposed with the respondents' denial, raises a serious question whether the recommendation lists were manipulated, interpolated or otherwise mishandled either by the petitioners or by the concerned administrative authorities. Such a determination necessitates an independent administrative inquiry by the competent executive hierarchy, equipped with access to original records, DSC proceedings and verification mechanisms.

7. In these circumstances, and keeping in view the constitutional obligation of public authorities to act fairly, transparently, and in accordance with law, it becomes imperative that the matter be placed before the higher administrative authority for a comprehensive and impartial inquiry. Only upon such verification can the petitioners' entitlement or lack thereof be conclusively determined. Until such inquiry is completed, no mandamus can be issued for

the grant of offer letters, nor can the Court presume the authenticity of the petitioners' asserted recommendations.

8. In view of the disputed factual matrix and the serious allegations of manipulation, fabrication and administrative impropriety raised by both sides, this petition is **disposed of** with the direction that the Chief Secretary, Government of Sindh, shall constitute a high-level inquiry committee, headed by a senior officer not below BPS-20 of the Services, General Administration & Coordination Department, to examine the entire recruitment process for non-technical posts (BPS-01 to BPS-04) in the Education and Health Department, District Tharparkar. The committee shall scrutinize the DSC minutes dated 07.08.2023, the recommendation lists, outward registers and all allied documents and shall determine whether the petitioners were duly recommended, whether any manipulation or fabrication occurred and whether any officer or candidate acted in derogation of law. The inquiry shall be concluded within sixty days and appropriate action shall thereafter be taken strictly in accordance with law. The petitioners shall be at liberty to place their entire material before the inquiry committee.

With these directions, the petition stands **disposed of**.

**JUDGE**

**JUDGE**

\*Faisal\*