

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Present:

Justice Arbab Ali Hakro,
Justice Muhammad Jaffer Raza.

Constitutional Petition No.D-743 of 2025

Petitioner by : Mr. Taimoor Hussain Behrani, Advocate called absent.

Respondent No.1 By: : Mr. Harish Chander, Assistant A.G Sindh.

Respondents No.2 & 3 By: : Barrister Unaib Kamal & Mr. Moinuddin A. Qureshi, Advocate.

Date of Hearing : 20.05.2026

Date of Decision : 20.05.2026

O R D E R

ARBAB ALI HAKRO -J: The petitioner seeks a declaration that the second advertisement dated 26.10.2025, issued by Respondent No.2 for the post of Controller of Examination (BPS-20), is without lawful authority, and further prays that the said post be allocated to him on the basis of the recommendations made by the 2nd Selection Board Meeting of the University of Mirpurkhas.

2. The record shows that applications were invited for several non-teaching posts in March and April 2025. The petitioner applied for the posts of Registrar and Controller of Examination and was interviewed on 09.08.2025. The Selection Board, in its meeting held on the same date, recommended two candidates in order of preference for the single sanctioned post of Controller of Examination, with a further stipulation that

the second candidate would be considered only if the first failed to join within the prescribed time.

3. The recommendations were placed before the Syndicate in its 4th meeting under Agenda Item No.4.12. While the recommendation for the post of Registrar was approved, objections were raised regarding the recommended candidate for the post of Controller of Examination. The Syndicate, concurring with those objections, resolved that the post be re-advertised.

4. On the last date as well as today, none appeared for the petitioner despite a clear note of caution that the matter would be decided on the basis of the available record.

5. Learned counsel for Respondents No.2 and 3 has fairly conceded that Rule 6(5) of the First Statutes of the Schedule of The University of Mirpurkhas Act, 2021 provides that where a difference of opinion arises between the Selection Board and the Syndicate, the matter must be referred to the Chief Minister for a final decision. He submits that the Syndicate, instead of invoking the statutory mechanism prescribed under Rule 6(5) of the First Statutes, proceeded to order re-advertisement, which is contrary to the Rule.

6. We have examined the record and the applicable Rules. It is evident that the Syndicate acted beyond its lawful authority by directing re-advertisement of the post in disregard of the statutory procedure. The Rule clearly mandates that any divergence between the recommendations of the Selection Board and the view of the Syndicate must be placed before the Chief Minister for a final determination. The impugned decision is therefore unsustainable.

7. Accordingly, the decision of the Syndicate to re-advertise the post of Controller of Examination is set aside. The matter is remitted to the Chief Minister, who shall, after affording an opportunity of hearing to all concerned and upon consideration of the recommendations of the Selection Board and the proceedings of the Syndicate, decide the matter strictly in accordance with law within sixty days.

8. With above terms and observations, the petition is disposed of alongwith pending application(s).

Office is directed to communicate the copy of this order to the Vice Chancellor (Chairperson Syndicate), University of Mirpurkhas through electronically & courier for information & compliance.

JUDGE

JUDGE

FAISAL