

**ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD
C.P.No.D-1992 of 2014**

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection.
2. For katcha peshi.

02.11.2016.

Mr. Abdul Hameed Bajwa, Advocate for petitioner.
Mr. Ashfaque Nabi Kazi Asstt. A.G. a/w Syed Mehfooz
Ali Shah DSE Shaheed Benazirabad, Ghulam Ali Dy.DSE
Primary.

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Petitioner appeared in NTS test for recruitment in education department as JST; succeeded in that examination and stood at serial No.2 in merit list. As per announcement two seats were taken in U.C Manhro.

Respondents filed comments wherein not denied the result of NTS examination and success of petitioner, however it is contended that there were two posts one was filled by appointing respondent No.7 namely Mst. Samina whereas second seat was not filled for reason that no minority candidate was available hence same is yet lying vacant. It is further contended that in new recruitment number of posts should be announced on need basis.

It is surfaced that policy with regard to appointment of minority and disable is of general in nature and DRC was required to consider the case of disable and minority as *first* with preference however, we are unable to understand that when it is not *disputed* that in UC there were *need* of two *Teachers* then how in name of *mere* policy or non-availability of a *minority* candidate the same can be kept lying vacant?. This would need no reiteration that need of *teacher* is meant for educating the children. The need of teacher for '*education of children*' *normally* should not be kept hanging for an *indefinite* more particularly when *undeniably* '*need*' in UC exists and continuing. The fact of

standing of the petitioner at Sr.No.2 in 'order of merit' is also not disputed therefore, peculiar situation demands that right (need) of children to be educated is *otherwise* guaranteed by Article 25-A of Constitution. Besides, the aim and object of policy was /is to educate *children* by making appointment on merit. Accordingly the instant petition is allowed. Respondent No.4 Director of Schools Education, Hyderabad Region at Hyderabad shall issue appointment to petitioner within one month with compliance report.

JUDGE

JUDGE

Ahmed/Pa