

# IN THE HIGH COURT OF SINDH, AT KARACHI

C.P No.D-507 of 2017

For hearing of main case

Before:  
Mr. Justice Irfan Saadat Khan  
Mr. Justice Adnan-ul-Karim Memon

Date of hearing: 06.02.2017

Petitioner:- Through Mr. Abdul Samad Khan Advocate

## **ORDER**

**Adnan-ul-Karim Memon-J---** The Petitioner seeks directions to the Respondents for amendment in the eligibility for the post of Launch Operator BPS-12 and Diver BPS-08 in the Department of Livestock and Fisheries, Government of Sindh published in the Newspaper available at Page-11 of the Court File.

The case of the Petitioner is that he had applied for the post of launch Operator BPS-12 and Diver BPS-08 and the qualification and experience of the post has been modified as per advertisement is Middle pass and experience in the relevant field as well as swimming and other qualification of Diver has also been modified. The petitioner and other qualification of Diver has also been modified. The Petitioner has challenged such modification of the qualification by impugning the advertisement.

The learned counsel for the Petitioner has contended that the advertisement published in the Newspaper has modified the qualification for the post applied by the Petitioner and by that advertisement the Petitioner cannot apply for the said post as the qualification has been changed, which has infringed the fundamental right of the Petitioner.

The learned counsel for the Petitioner has further argued that the Petitioner is a qualified person having experience in the relevant field as he has already worked as Launch Operator and Diver in the Marine Department. the learned counsel has next contended that the Respondents have made changes I the advertisement regarding required qualification for the post applied for in order to deprive the may be directed to be made so far as eligibility for the post of Launch Operator and Diver is concerned.

We have heard the learned counsel for the Petitioner and perused the material available on record.

Upon perusal of the advertisement published in the newspaper, which is available at page 11 annexure "A" reveals that the qualification for the post of Launch Operator and Diver has been given as per requirement.

The Petitioner has challenged the advertisement in which qualification has already been prescribed for the post applied for and it is well settled proposition of law that no vested right and claim can be made for particular qualification as this advertisement published in the newspaper, which is for the public at large, and not for the Petitioner only, as such the claim of the Petitioner for such amendment in respect of eligibility for the post to be brought not tenable in the eyes of law.

We have heard the learned counsel for the Petitioner and perused the material available on record.

Upon perusal of the advertisement published in the newspaper, which is available at page 11 annexure "A" reveals that the qualification for the post of Launch Operator and Diver has been given as per requirement.

The Petitioner has challenged the advertisement in which qualification has already been prescribed for the post applied for and it is well settled proposition of law that no vested right and claim can be made for particular qualification as this advertisement published in the newspaper, which is for the public at large, and

not for the Petitioner only, as such the claim of the Petitioner for such amendment in respect of eligibility for the post to be brought not tenable in the eyes of law.

We are also of the firm opinion that Government having the domain to frame the Policy of appointment, hence qualification, criteria, eligibility and experience against a particular post. The appointment against such post for particular qualification cannot be claimed without fulfillment of the criteria and the requisite qualification as laid down in the prescribed recruitment procedure.

In the light of foregoing discussion, we do not find any substance in the instant Petition, which is accordingly dismissed I limine, along with listed applications.

JUDGE

JUDGE

**Shafi Muhammad P.A**