

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT HYDERABAD**

CP No. D- 2446 of 2017

DATED	ORDER WITH SIGNATURE OF JUDGE
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14.01.2019

Present:

Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Adnan-ul-Karim Memon

Mr. Ishaque H. Qureshi, advocate for Petitioner
Mr. Kamaluddin, advocate for Respondents
Mr. Muhammad Ismail Bhutto, Addl.A.G.

ADNAN-UL-KARIM MEMON,- Basically the petitioner seeks appointment on the post of lecturer in Sociology department, University of Sindh, Jamshoro.

2. Brief facts of the case, as per pleadings of the parties are that the petitioner applied for the post of lecturer in Sociology department, University of Sindh, Jamshoro and was declared successful candidate vide written / Screening Test dated 5.4.2017, conducted by the respondent-university. The petitioner has submitted that she was called for interview on 14.5.2017 at 9:00 a.m. in the Committee Room, Syed Ghulam Mustafa Shah Administration Building, Allama I.I. Kazi Campus, University of Sindh, Jamshoro but her interview was not conducted by the respondent-university and thereafter she came to know that other three candidates were selected and appointed on the aforesaid three posts and the petitioner was left out without announcement of result. The petitioner being aggrieved by and dis-satisfied with the aforesaid act of the respondents has filed the instant petition on 25.7.2017.

3. Mr. Ishaque H. Qureshi, learned counsel for the petitioner has argued that the petitioner appeared in the test for the aforesaid post and qualified the same by securing 59 marks out of 100 vide result sheet prepared by the respondents on the very date of the test i.e. 5.4.2017; that the respondents though issued interview letter but did not call the petitioner for interview and the petitioner came to know later on that the respondents had appointed other candidates, who even did not qualify for the said post; that the respondents are duty bound to make fair and transparent system of appointment so that no doubt can be created upon their conduct, however,

the attitude of the respondents reflect that they did not consider the merits and accommodated their blue eyed persons. He lastly prayed for allowing the instant petition.

4. Conversely, Mr. Kamaluddin, learned counsel for respondent-university has controverted the allegations of the petitioner and contended that the petitioner was called for interview before the selection board on 14.5.2017 but the petitioner could not succeed in the interview; that against the three posts of lecturers in Sociology Department top ten candidates shown in written / screening test, result sheet at serial numbers 65, 67, 78, 84, 86, 90, 92, 99, 112 and 117 were called for interview before the Selection Board held on 14.5.2017 and on the basis of their good performance before it, three candidates namely Ms. Saeeda Shah, Niaz Ahmed and Adeel Khan were recommended to the syndicate for their appointment as required under 1st Statues No. 6 & 7 of the University of Sindh Act-XXIV of 1972 whom appointment orders were issued on 21.7.2017 and they had joined their duties on 1.8.2017; he further submitted that the appointment procedure for lecturers and others in the respondent university is always fair, just and transparent and as regard the appointment of lecturers in sociology department, it was also very fair, just and transparent. The allegations leveled by the petitioner are afterthought, baseless and concocted one as she failed to achieve the required marks in the interview. He lastly prayed for dismissal of the instant petition.

5. Learned A.A.G. has also adopted the arguments of Mr. Kamaluddin, learned counsel for respondent university.

6. We have heard the parties at length and perused the material available on record. We have noted that in continuation of public notice dated 12.01.015 applications were invited from qualified candidates for appointment on various posts including the post of lecturer in Sociology Department, University of Sindh, Jamshoro. As per record, the Selection Committee after holding the interviews recommended for appointment of three [03] candidates against the post of lecturer in BPS-17 and their cases were recommended to be placed before the syndicate which resolved that on the basis of good performance at the time of interview the aforesaid candidates be appointed on temporary basis as lecturers in the department of sociology, university of Sindh.

7. We have also noticed that the petitioner and other candidates were called for interview by the selection committee of the respondent university for the post of

lecturer and they obtained the marks as per sheet provided by the counsel for respondent university.

8. The petitioner has tried to convince this court that she was fit and eligible to be appointed on the aforesaid post of lecturer, however, the respondent university has appointed the persons who are even not qualified and have no experience as per criteria of HEC, thus were not entitled to be appointed against the post as discussed supra. As per record, the petitioner has failed to achieve the threshold marks as set forth by the respondent university; therefore, we cannot substitute our finding in place of the findings of the selection committee.

9. We, on the basis of contentions of the parties and the material so produced have reached the conclusion that the name of petitioner does not appear in the list of candidates selected by the Selection Committee, as per criteria laid down under 1st Statues No. 6 & 7 of the University of Sindh Act-XXIV of 1972 .

10. In absence of aforesaid material, the petitioner has failed to make out a case of appointment for the post of lecturer. The parties have leveled allegations and counter allegations against each other, which admittedly cannot be thrashed out in constitutional jurisdiction. The entire case is based upon factual controversy which cannot be gone into by this court in exercise of its constitutional jurisdiction.

11. In view of such state of affairs, this court is left with no option but to dismiss the instant petition being meritless; resultantly the instant Constitution Petition is dismissed along with pending application(s).

JUDGE

JUDGE