

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

**C.P. No.D- 1498 of 2014**

**Present:**

**Mr. Justice Muhammad Iqbal Kalhoro**

**Mr. Justice Adnan-ul-Karim Memon**

Ashfaque Ahmed Rajpar ----- Petitioner

VERSUS

Province of Sindh  
& others ----- Respondents

**Dates of hearing: 06.03.2019**

**Date of decision: 06.03.2019**

Mr. Mushtaq Ahmed Tagar, advocate for petitioner.

Mr. Allah Bachayo Soomro, Addl. A.G. Sindh.

**ORDER**

**ADNAN-UL-KARIM MEMON, J.-** Through instant petition, the petitioner claims appointment as Sindhi Language Teacher (SLT) as per order dated 04.05.2011 passed by this Court in number of petitions.

2. We have asked from learned counsel for the petitioner to satisfy this court regarding maintainability of the instant petition on the premise that the basic offer order dated 10 July 2006 was issued by Section Officer Government of Sindh for the post of SLT on contract basis for three years which period already stood expired and he has filed the instant petition on 07.08.2014. He has failed to give a satisfactory reply.

3. We have noted that pursuant to advertisement dated 30.01.2004 published in daily Kawish the petitioner purportedly had applied for the post of SLT. Per petitioner after taking test, interview, physical test and medical examination the name of the successful candidates were published in daily Kawish dated 11.07.2006, offer letter was issued to the petitioner for his

appointment as SLT on contract basis for three years. Subsequently through Summary dated 18.10.2006 moved before the worthy Chief Minister Sindh it was found that the offer letters had been given to the ineligible candidates specially JST and HST without verification hence the EDOs were directed to scrutinize educational qualification and not to issue appointment letters unless educational qualifications were verified. It appears that without undertaking such an exercise, stereotype letters dated 18.6.2007 were issued to the candidates/petitioner for cancellation of offer letter and that too without assigning any reason. The petitioner challenged such action of the respondents and has sought implementation of the offer letter issued to him and praying for his posting and payment of salaries.

4. Reverting to the main contention of the petitioner with regard to the order dated 04.05.2011 passed by this court and claim appointment on the basis of the aforesaid order. We have noted that the Petition No.1051 of 2008 was disposed of along with the bunch of petitions vide a common order dated 04.05.2011 with the following observations:-

*“Pursuant to the advertisement dated 30.01.2004 published in daily Kawish Hyderabad the Petitioners had applied for the post of Junior School Teacher, Primary School Teacher and High School Teacher. After taking test, interview physical test and medical examination, the name of the successful candidates were published in daily Kawish Hyderabad dated 11.07.2006. Office letters were issued to the petitioners for the appointment as Junior School Teacher, Primary School Teacher and High School Teacher on contract basis for three years. Subsequently, through summary dated 18.10.2006 moved before the worthy Chief Minister, it was found that offer letter have been given to the eligible candidates specially JSTs, and HSTs and orders were sought to be issued to the EDOs to scrutinize educational qualifications and not to issue appointment letters unless educational qualifications are verified, it appears that without undertaking such an exercise stereotype letters dated 18.06.2007 were issued to the petitioners of cancellation of offer letters and that too without assigning any reason. The petitioners have challenged such action of respondents and*

*have sought implementation of the offer letter issued to them and directing their posting and payment of their salaries.*

*After hearing the learned counsel for the parties at considerable length, parties and their counsel agree for passing of the following consent order;-*

*i) that the letter dated 18.06.2007 issued to the petitioners cancelling their offer letters are set aside.*

*ii) That in terms of summary to the Worthy Chief Minister dated 18.10.2006, the Secretary Education will issue show cause notice within one months from today to such of the petitioners who are ineligible for appointment as JST, PST and HST's for not possessing prescribed educational qualifications.*

*iii) The proceedings of the said show cause notice will be concluded within further one month time and appropriate order will be passed regarding eligibility on the basis of educational qualifications of the petitioners and communicate the same to the petitioners through registered post acknowledgement due record of which will be maintained.*

*iv) In case within two months the process of issuing of show cause notice, enquiry and passing of the order and its communication to the petitioners regarding their eligibility on educational qualifications is not completed, all the petitioners will stand entitled to be posted to their respective posts and respondent will take them on job and start paying their salaries from 5th July 2011.*

*5. Those petitioners in respect of whom there is no dispute regarding their eligibility of educational qualifications, they will immediately be issued posing orders and their salary will commence from the month of May, 2011.*

*All the petitions in the above terms with listed applications stand disposed of."*

5. We have been informed that the aforesaid order was assailed before the Hon'ble Supreme Court of Pakistan in Civil Petition No. 594-K to 611-K of 2011 and the same was disposed of vide order dated 11.08.2011 with the following observations:-

*"Mr. Abdul Fateh Malik, learned Advocate General Sindh, submits that though the terms of impugned judgment are in direct conflict with the earlier judgment of the High Court of*

*Sindh dated 24.11.2008 in C.P.s No. D-670/2008 and D-1090/2008, still the...Looking to the peculiar facts and circumstances of the case, request made by the learned Advocate General Sindh being reasonable, is acceded to. We accordingly dismiss all these petitions and refuse leave to appeal however with the observation that time from given in the impugned order of the High Court dated 04.05.2011 is extended for a period of two months from today, which shall be treated as final.”*

6. After hearing learned counsel for the petitioner at considerable length, we, do not concur with his explanation of laches and we are of the considered view that the instant Petition clearly falls within the doctrine of laches as the Petitioner filed the instant Petition in the month of August 2014 whereas the alleged cause of action accrued to him in the month of July 2006, i.e. approximately 8 years prior to the filing of the instant Petition. More so, there is no material filed by the petitioner to indicate that in pursuance of Chief Minister’s order he had appeared before E.D.O. concerned for verification of educational qualifications to maintain this petition on merits as well.

7. In view of the aforementioned facts and circumstances as well as the law referred to above, the instant petition stands dismissed along with listed applications.

JUDGE

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