

Order Sheet
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

CP No. D- 3739 of 2017

Present:-
Mr. Justice Nadeem Akhtar
Mr. Justice Adnan-ul-Karim Memon

Date of hearing:
& decision:

30.10.2019

Petitioner:

Muhammad Saleem through Mr. Karim Bux Rind,
Advocate who is called absent without any
intimation.

Respondent No.1:

Province of Sindh and others.
Nemo for respondents

ORDER

ADNAN-UL-KARIM MEMON, J: - Petitioner claims that his father namely Ghulam Muhammad donated a plot to the Government of Sindh, Education Department for constructing Government Boys Primary School village Achhi Masjid Rahu Taluka Saeedabad and in this regard an Agreement / Iqarnama dated 30.5.2004 was executed between the parties. Petitioner emphasizes that through Public Notice he applied for the post of Nabi Qasid / Chowkidar and appeared in the interview and later on he was assured that he would be appointed against the vacant post of Naib Qasid / Chowkidar in the aforesaid School, but later on they turned their deaf ear towards the genuine request of the petitioner and finally declined. He being aggrieved by and dissatisfied with the inaction on the part of Respondents has filed the instant petition. He relied upon the documents attached with the memo of petition to substantiate his contentions.

2. We now need to examine the ground on the basis of which the instant petition has been filed and found that on the basis of Agreement / Iqarnama/ Affidavit dated 30.5.2004, he intends to procure a Government job, which factum is disclosed in paragraphs No. 5 and 9 of the memo of petition.

3. The pivotal question that clinch the controversy in hand is whether the petitioner is / was entitled to secure Government job on the basis of donation of a piece of land?

4. On the aforesaid proposition, the Honourable Supreme Court of Pakistan in the case of Hameedullah and 9 others vs. Headmistress, Government Girls School, Chokara District Karak and others [1997 SCMR 855] has held that donation of land for construction of school in consideration of employment tantamount to selling of the public office and the Petitioner could not be provided the job against the plot. In our view, the appointment is to be based on merits and if on merits the donor or his nominee is at par with other candidates, only then preference can be given to him. The donor or his nominee is not vested with any right to claim any post in Government Department on the basis of donation of plot which is against the public policy and law. The reasons assigned by the petitioner in his pleadings to secure Government job are not justified, thus, does not call for further action on our part. Apart from the above, we have noticed that Petitioner's father donated a piece of land for the purpose of construction of school "free of cost" cannot be subsequently called in question in writ petition and no claim of appointment in lieu of plot can be entertained under the law.

5. In the view of the forgoing, this petition is found to be misconceived, thus is dismissed in limine along with pending application(s)

JUDGE

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