

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

CP No. D- 639 of 2011  
CP No. D- 640 of 2011  
CP No. D- 894 of 2011

**BEFORE :**

Mr. Justice Adnan-ul-Karim Memon  
Mr. Justice Adnan Iqbal Chaudhry

Date of hearing  
& decision: 03.11.2021

Petitioners: Muhammad Ismail and others in CP No. D- 639 of 2011, Gulji & others in CP No. D- 640 of 2011 and Muhammad Rafique and others in CP. No. D- 894 of 2011 through Mr. Ghulam Shabbir Mari, Advocate.

Mr. Rafiq Ahmed Dahri, Asstt. A.G.

**ORDER**

**ADNAN-UL-KARIM MEMON, J:-** All the above referred Constitutional Petitions are being disposed of vide this Single Order, as the common question of law and facts are involved therein.

2. Through all the captioned constitutional petitions the petitioners are seeking appointment as Primary School Teachers on the premise that they had obtained more than the required marks as per the result announced by the University of Sindh thus were/are entitled to be appointed as Primary School Teachers.

3. Brief facts of the case are that the petitioners are holding domicile of district Umerkot; that in reference to an advertisement published in newspapers, the petitioners applied for the post of Primary School Teachers, the written examination was conducted by Director Sindh University Testing Center (respondent No.4); that it was the condition of the test that the candidates securing 60% or higher in the examination would be eligible for further process; the petitioners fulfilled the condition, obtained the required percentage and were declared successful candidates; that in view of the Recruitment Policy announced by the Government vide its letter dated 10.07.2008 it was declared that 20% additional marks shall be

granted to female candidates; that the test conducted by respondent No.4 was transparent and no one raised a finger against the sanctity of the test; that in other districts of Sindh the respective Education & Literacy Department officials acted upon the result announced by the University of Sindh whereas the officials of district Umerkot were/are reluctant to act upon the result and are not issuing appointment letters to the petitioners, hence the petitioners finding no other remedy have filed the instant petition.

4. Mr. Rafiq Ahmed Dahri, Asstt. A.G. has submitted that 275 candidates amongst the test qualified conducted by Sindh University Testing Center Jamshoro were appointed (including 267 PSTs and 08 JST) through Departmental Recruitment Committee (DRC) under School Teachers' Recruitment Policy 2008 and further, the DRC scrutinized the candidates' personal and academic record and recommended the cases of eligible candidates for issuing offer letters; that obtaining the required number of marks is not a sound base for legitimizing one's appointment as his fundamental right but there are certain other conditions which are to be complied with by the candidates. He lastly prayed for dismissal of instant petitions.

5. We have heard the parties at length on the issue involved in the matter and perused the material available on record.

6. Based on respective submissions advanced, the issue that arises for consideration of this Court in the petitions is whether the petitioners have acquired any right of appointment according to the advertisement issued for recruitment, are to be considered for an appointment?

7. We are of the considered view that even a successful candidate does not acquire an indefeasible right to be appointed and that it could be legitimately denied. The notification inviting application for the appointment has been held only to be an invitation to the qualified candidates to apply for the recruitment. On their mere applying or selection, they do not acquire any right to the post. The action of the respondents does not impinge, petitioners, any fundamental and statutory right. The recruitment process initiated by them and culminated in recommending the eligible candidates do not violate the principles of natural justice. Besides that, no malafide of the respondents has been shown by the petitioners to call in

question their action of recommending the eligible candidates for the subject posts as per recruitment policy in vogue.

8. The learned counsel for Petitioners failed to refer any Judgment of this Court, which had allowed the petition of the successful candidates on merits. The consent order obviously cannot be cited as precedent, as observed by the Hon'ble Supreme Court of Pakistan in its various pronouncements. By now almost 12 years have passed and the whole recruitment process culminated and it is too late in the day to direct the appointment of the Petitioners.

9. In view of the discussions made above, it is obvious that the petitioners did not acquire any right of appointment against the posts advertised.

10. In the light of the above facts all the Constitution Petitions merit no consideration and are dismissed with no order as to cost.

JUDGE

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