

IN THE HIGH COURT OF SINDH,
Bench at Sukkur

C. P. No. D – 326 of 2014

Mst. Sajida Kalhoro.....Petitioner
Versus
P.O.Sindh & others.....Respondents

Before:

Mr. Justice Muhammad Junaid Ghaffar
Mr. Justice Zulfiqar Ali Sangi

Date of Hearing: **17-02-2022**

Date of Decision: **17-02-2022**

Mr. Ali Gul Abbasi, Advocate for the Petitioner.
Mr. Zulfiqar Ali Naich, Assistant A.G-Sindh.

ORDER

Muhammad Junaid Ghaffar, J. – Through this Constitutional Petition, the Petitioner has prayed for the following relief(s):-

(a). To declare that the act of the respondents for not issuing the Appointment Order to the petitioner for the post of JST B-14 (Female) from UC-Baiji Sharif, Taluka Pano Akil, district Sukkur, though she has qualified the required test for the aforesaid post, is illegal, malafide, null, void and without any lawful authority and justification.

(b). To direct the respondents to immediately issue appointment Order to the petitioner for the post of JST B-14 (Female) from UC-41 Baiji, Taluka Pano Akil, District Sukkur, as she has qualified for the aforesaid post, so also declared successful by the National Testing Service.

(c) To grant ad-interim injunction, thereby restraining the respondents not to appoint any other person/candidate on the post for which the petitioner has qualified in UC-41 Baiji, till final disposal of the instant petition”.

2. Learned Counsel for the Petitioner has argued that the Petitioner obtained 63-marks in the test conducted by the National Testing Service (NTS) and despite this, the Petitioner was not appointed. He further submits that objection of the Respondents that the Petitioner is resident of Pano Akil is not substantiated, as the proper Union Council of the Petitioner is U.C-Baiji Sharif, hence Petitioner was qualified.

3. On the other hand, learned AAG has opposed this Petition on the ground that the particulars furnished by the Petitioner, at the time of appearance in the test, were found to be fake and false; whereas, Petitioner is resident of UC- 36 Mehran Pano Akil and therefore does not qualify in the merit-list.

4. We have heard learned Counsel for the Petitioner as well as learned Assistant A.G and perused the record.

5. It would be advantageous to refer to para-6 of the comments of the Respondent No.3, which reads as under:

“As stated in the preceding paras to the extent that the petitioner was allowed to appear in the written test as per documents provided by her, particularly resident certificate issued by the Secretary Union Council Baiji Sharif, Taluka Pano Akil. But, on scrutiny of the documents i.e. CNIC, Domicile Certificate and PRC D form it was found that the petitioner has tried to mislead the Department by providing false residential certificate of UC-41 Baiji Sharif because the above said document clearly showing the residency of the petitioner of village Inayat Goth, Taluka Pao Akil which exists in UC-36 Mehran Pano Akil. Hence, her merit was placed in her actual UC from where she belongs to. Thus, the petitioner had misled the Honourable Court and the Department by submitting the false and bogus residential certificate”.

6. Perusal of aforesaid comments reflects that upon scrutiny of the relevant documents, it transpired that the Petitioner provided false residence certificate of UC-41 Baiji Sharif, as the petitioner is resident of village Inayat Goth, Taluka Pano Akil, which falls in UC-36 Mehran Pano Akil. While confronted Counsel for the Petitioner has not been able to satisfactorily respond to such allegations; whereas, even otherwise, the Petitioner on its own has produced Certificate of Permanent Residence on D-Form, available at page 35 of the memo of petition which clearly reflects that she is permanently settled at village Inayat Goth Taluka Pano Akil-Sukkur. Hence, no case is made out. Accordingly, this Petition being misconceived is hereby **dismissed**.

J U D G E

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Ahmad