

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Const. Petition No. D- 3519 of 2012

Ghulam Shabir Shar.....Petitioner.

Versus

P.O.Sindh and others.....Respondents.

Hearing of Case (Priority)

- 1.For orders on office objection.
- 2.For orders on CMA 6914/18.
- 3.For hearing of CMA 6915/18.
- 4.For hearing of CMA 11057/12.
- 5.For hearing of Main Case.

For the petitioner:

Mr. Qurban Ali Kalwar Advocate.

For official respondents:

Mr. Mehboob Ali Wassan, Assistant
A.G a/w Faiz Ali Jiskani, DEO (Primary)
Khairpur (respondent No.2).

Date of hearing: **04-03-2021**

Date of Order: **04-03-2021**

ORDER

The case of the petitioner is that in response to advertisement, published in daily newspapers inviting the applications for the recruitment of PST, JST and HST in Education Department, the petitioner applied for the post of Primary School Teacher (PST). The petitioner appeared in the written test, held by the Sindh University so also selection committee by the District Recruitment Committee, as per Recruitment Policy, 2008. The petitioner also appeared in the interview and was declared successful on merit and as such offer order was issued to him by the respondent No.1 on 07.07.2011. It is further alleged that petitioner appeared before Medical Superintendent, GMMC, Hospital, Khairpur for medical fitness

certificate and after obtaining medical fitness certificate, petitioner approached the respondents time and again for his posting order, but he always kept on hollow hopes and finally he was refused. Lastly, it is prayed that since the petitioner has been issued offer order, therefore, he has vested right of posting.

2. We have heard learned counsel for the petitioner as well as learned Assistant A.G so also perused the entire material available on record. Record reflects that on 10.05.2018, by consent, District Recruitment Committee (DRC), Khairpur was directed to decide the petitioner's case strictly in accordance with law and the prevailing rules, regulations and policy and without being prejudiced with the pendency of these proceedings and/or any order passed herein. Pursuant to said order, the District Education Officer (Primary), Khairpur (respondent No.2) has furnished compliance report today. On perusal of the said compliance report, it is evident that B.Ed certificate provided by the petitioner at the time of submission of application on 25.10.2008 for his recruitment was got verified from the issuing authority and was found bogus, hence his B.Ed marks were deducted, however, petitioner provided another B.Ed certificate of the year 2014, but the same was not considered on the ground that it was produced at belated stage. It is further disclosed in the compliance report that petitioner submitted C.T certificate to show that he passed C.T in the year 1993-94 and if the marks of said C.T are awarded to the petitioner then his marks will be 115 in the merit-list, however, it is categorically disclosed that the last recruited candidate having secured 116 marks was appointed.

3. In view of the above, it is clear that the petitioner having secured below marks to that of the last recruited candidate could not

be found eligible as he did not meet the merit, as such he was not considered by the respondents for his appointment as PST. Furthermore, there is no complaint that the petitioner has been discriminated against and other similarly placed candidates were given the appointment letters for the post of PST.

4. Learned counsel for the petitioner has failed to point out any irregularity or illegality in the recruitment process for the appointment of Primary School Teacher, which may have deprived the right of appointment of petitioner. However, if the petitioner is still interested to have a career in teachings then he has to wait till vacancies are again advertised by the Education Department then he shall be free to apply again against future vacancies and is required to pass through the prescribed process and mechanism. Accordingly, instant petition being devoid of any merit stands dismissed.

JUDGE

JUDGE

Ahmad