

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 2958 of 2016

For order on CMA No. 921/2022

17-05-2022

Mr. Sohail Ahmed Khoso, Advocate for the Applicant / Petitioner.

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Through this application, the Petitioner seeks review of order dated 15-02-2022, whereby the Petition was dismissed, operative part of which reads as under:

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

5. On the objection of learned AAG, we have confronted the learned Counsel for the Petitioner as to providing requisite certificate which was also part of the advertisement in question, and in response, he has made an attempt to place on record a certificate issued from some private school. The same cannot be taken on record as the requirement was three years’ experience certificate as HST, duly countersigned by the competent authority i.e. the Director Schools and admittedly the Petitioner has never worked as HST; nor the said certificate can be certified by the Director Schools. The petitioner has failed to meet the qualifying requirement and merely passing a test would not create any right in favor of the petitioner as he has failed to fulfill other requirements.

6. In view of such position, no case is made out. Accordingly, this Petition being misconceived is hereby dismissed.”

Learned Counsel for the Petitioner submits that the order in review has not been passed with proper appreciation of facts inasmuch as the Petitioner had already placed on record the requisite experience certificate at page 23 duly signed by Director of Schools; hence, the order in question be reviewed and the same may be recalled.

At the very outset, after briefly hearing the Petitioner’s Counsel, we had asked the Petitioner’s Counsel to withdraw this review application, as apparently, no case is made out, failing which cost may be imposed if ultimately the application is dismissed. However, learned Counsel has proceeded to argue on merits of the application.

We have heard the Petitioner's Counsel and perused the record. It is an admitted position that as per the advertisement requirements, the certificate in question for working three years as High School Teacher was to be produced duly countersigned by the competent authority i.e. the Director Schools and it is not in dispute that the Petitioner has never worked as HST, whereas, any reliance placed on the experience certificate at page 23 is of no use as the same has been issued by some private institution and its mere attestation by some official of the Government does not fulfill the requirement of the advertisement. There is no dispute that the petitioner has never worked as HST in any Government School. It may be of relevance to mention that in this Petition the very advertisement and the requisite conditions including the requirement of experience of three years as HST have not been challenged; nor any rules of employment have been impugned; rather, simpliciter, a prayer has been made for appointment. Therefore, even reliance on some judgment as annexed with the review application is of no use inasmuch as the said judgment was passed in different set of facts which are not available in this case.

In view of hereinabove facts and circumstances of this case, no case for indulgence is made out, and therefore, this application was **dismissed** by means of a short order in the earlier part of the day with cost of Rs.10,000/- (Rupees ten thousand) to be deposited in the account of High Court Clinic, and these are the reasons thereof.

J U D G E

J U D G E

Abdul Basit