

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
C.P.No. D- 1847 of 2022

Date of hearing

Order with signature of Judge.

- 1.For orders on office objection
- 2.For hearing of CMA 8518/22
- 3.For hearing of main case

16-08-2022

Mr. Saifullah, Advocate for the Petitioners.
Mr. Mr. Ali Safdar Depar, Additional Advocate General Sindh
Mr. Muhammad Nishat Warsi, DAG

Through this Petition, the Petitioners seek appointment as Primary School Teacher (PST) with Respondents pursuant to some advertisement and recruitment exercise carried out in the year 2013. It is the case of the Petitioners that they had qualified in the written test, but no appointment orders were issued; hence, instant petition. Reliance has also been placed on orders dated 26.1.2022 in CP No.1416 of 2020 at Circuit Court Hyderabad and various other orders in similar terms.

We have heard the Petitioners' Counsel and perused the record. it is a matter of record that identical Petitions have been dismissed by Sukkur Bench of this Court, comprising one of us namely *Muhammad Junaid Ghaffar, J.* One such order was passed in C.P No.D-179 of 2022, and the order of Circuit Court Hyderabad was also discussed. The same reads as under:

“Through this Petition, the Petitioners seek appointment as School Teachers (PST & HST) with Respondents pursuant to some advertisement and recruitment exercise carried out in the year 2013. It is the case of the Petitioners that they had qualified in the written test and interview, but no appointment orders were issued; hence, instant petition.

We have confronted the Petitioners' Counsel as to involvement of laches in this matter and in response; he submits that on similar facts, certain orders have been passed by Circuit Court, Hyderabad in various petitions as stated in para-6 of the Petition. However,

we are not inclined to consider the case of the Petitioners, as apparently laches is involved and no justifiable case has been made out in this regard; except reliance on the said orders. Nonetheless we have also perused one such order dated 26.01.2022 in CP No. D-1416 of 2020, and are of the considered view that it is not a binding precedent insofar as laches are concerned as the same has not been adjudicated or decided by the said Court at all; hence, any reliance on it is misconceived. Moreover, it is a disposal order with certain directions and not a judgment to follow by itself.

Accordingly, this Petition being hit by laches is not maintainable and the same stands **dismissed in *limine*** with pending applications”.

Moreover, subsequently, another Division Bench at Hyderabad Circuit Court has also dismissed various identical petitions vide order(s) dated 30.3.2022 and 31.03.2022 in C.P. Nos. D-458 of 2022 and other connected matters and C.P. Nos D-594 of 2022 and other connected matters respectively.

In view of the above, this Petition also stands **dismissed in *limine*** for the aforesaid reasons with pending applications.

JUDGE

JUDGE

Amjad/PA