

ORDER SHEET

**IN THE HIGH COURT OF SINDH, HYDERABAD CIRCUIT.**

C.P.No.D-1707 OF 2011.

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| <b>DATE</b> | <b>ORDER WITH SIGNATURE OF JUDGE</b> |
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16.04.2013.

FOR KATCHA PESHI.

Mr. LalBuxKhosro, Advocate for the Petitioner.

Mr. Allah BachayoSoomro, Addl. A.G. Sindh.

Through instant petition, the Petitioner has prayed his appointment as primary school teacher at District Badin pursuant to advertisement issued in Newspaper dated 6.4.2007. It has been claimed that the Petitioner has been issued appointment order whereafter posting has not been given to the Petitioner by the Respondents.

2. Learned A.A.G. has raised an objection with regard to maintainability of the instant petition and states that the Petitioner is seeking appointment pursuant to a policy which was issued in the year 2005 whereafter such policy was revised in 2008. Per learned A.A.G. even the contract period has been concluded and the Petitioner has filed instant petition after considerable lapse of time in 2011 when the policy does not exist. It is further contended that the Petitioner has not filed all the relevant documents to substantiate that he was eligible and qualified to be

given appointment pursuant to policy on contract basis. In support of his contention learned A.A.G. has placed reliance in the case of GHULAM SHABBIR & others v. PROVINCE OF SINDH & others in C.P. NO.D-670 and 1090 of 2008 and the order passed in C.P. No.D-147 of 2010, wherein per learned A.A.G. under similar circumstances the petitions were dismissed.

3. On the other hand learned counsel for the Petitioner states that since the Petitioner was issued offer letter whereafter appointment was not given to the Petitioner, therefore, he is entitled to be appointed as Primary School Teacher on contract basis. Learned counsel for the petitioner has submitted that under similar circumstances other petitioners were granted relief by a Division Bench of this Court at Sukkur in C.P. No.D-275 of 2007.

4. We have heard both the learned counsel and perused the record. It is noted that the Petitioner is seeking his appointment as Primary School Teacher on contract basis on the basis of same advertisement published in the year 2007, however, neither eligibility criteria nor the copy of the marks obtained has been placed on record by the Petitioner. The Petitioner has approached this Court after a considerable lapse of time in the year 2011, whereas, no explanation with regard to laches has been given by the Petitioner when the contract period of three years has already been lapsed. Petitioner is seeking his entitlement pursuant to some order passed by a Division Bench of this Court at Sukkur however, perusal of the

said Judgment reflects that the facts with regard to entitlement of the Petitioners as per the eligibility criteria were not disputed by the Respondents whereas the Petitioner had approached the Court promptly for redressal of their grievance before expiry of the contract period. Admittedly the policy for appointments as P.S.T. was revised in the year 2008, having separate criteria, whereas in the cases relied upon by learned A.A.G. passed by Two Division Benches at Karachi, under similar circumstances the petitions filed by the petitioners were dismissed for having been filed after lapse of contract period.

5. In view of hereinabove facts and the disputed claim of the Petitioner, we are not inclined to exercise any discretion under constitutional jurisdiction and to grant relief to the Petitioner who has approached this Court after considerable lapse of time when the contract period of the said appointments has already expired.

Accordingly instant petition is hereby dismissed in limine however, with no order as to cost.

JUDGE

JUDGE

A.

