

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P No. D – 1291 of 2013

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| Date of hearing | Order with signature of Judge |
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Application in disposed of case

For hearing of CMA No.3788/2024 (151 CPC)

01.08.2024

Petitioner Hafeezullah is present in person
Mr. Ali Raza Baloch, Assistant Advocate General Sindh
along with Muhammad Hafeez Darban, District Education
Officer (Secondary), Khairpur and Imdad Ali Larik, Focal
Person of Secretary School Education and Literacy,
Department and Director School Education (ES&HS),
Sukkur

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This Court vide order dated 30.05.2024 directed as follows;-

"This is already disposed of matter and has been taken up on urgent application. On previous occasions, when this case was taken up on various dates including on 01.04.2021, the then Deputy Commissioner, Khairpur had appeared and submitted that due to ban imposed by the government on appointments, advertisement of post of Naib Qasid in education department could not materialize. It was also made clear that as soon as the ban was lifted, the case of petitioner in terms of advertisement would be considered on merits. Subsequently, an advertisement was published in April, 2023, in the process of which petitioner participated and was declared successful by the Departmental Selection Committee (DSC) against the post of Naib Qasid. But for one reason or the other the matter of the petitioner was kept pending without any result. Meanwhile, offer order dated 20.07.2023 was also issued to the petitioner. In compliance of offer order, petitioner has been granted fitness certificate

by relevant Medical Superintendent and report verifying his credentials by police. The issue which came up thereafter is that in Suits No.1322/2022 and 1493/2023, this Court has granted stay against the recruitments in government departments, hence the petitioner's case could not be finalized.

Be that as it may, this petition was disposed of much prior to filing of the aforesaid Suits and stay granted. It is also pointed out that the stay granted by this Court is in respect of certain advertisements and the advertisement in terms of which petitioner was recommended for appointment is not included in those advertisements; meaning thereby the vires of such stay are ostensibly not applicable to the case of petitioner. Therefore, apparently, in our view, there is no impediment legal or otherwise in issuing appointment order to the petitioner, who has already been selected by the DSC prior to filing of the above Suits and grant of stay therein.

When confronted with such position, the District Education Officer (Elementary, Secondary and Higher Secondary), Khairpur undertakes to issue appointment order in accordance with the law to the petitioner within a period of one week. A copy of this order be provided to learned Addl. AG Sindh for a perusal and compliance."

In compliance thereof, learned Assistant AG has submitted report. The extract thereof is reproduced as under;-

"I, Muhammad Hafeez Darban, Adult, Muslim, presently posted as Distruction Eduation Officer (Elementary, Secondary & Higher Secondary), Khairpur, do hereby solemnly affirm as under;-

- 1. That, the order dated 30.05.2024 passed by Honourable High Court of Sindh Bench at Sukkur, has been complied in letter and spirit.*

2. *That, the grievances of the petitioner namely Mr. Hafeezullah S/o Abdullah Maitlo has been redressed and the petitioner has been considered for appointment against the post of Chowkidar and posted at Government Girls Higher Secondary School Mori, Taluka Kingri, District Khairpur (Copy is enclosed)*

The order dated 30.05.2024 have been complied with in letter and spirit and the compliance report is submitted herewith for kind perusal as desired."

Applicant/petitioner submits that the offer of appointment letter has been issued in favour of petitioner/applicant, namely Hafeezullah, as such substantial compliance of the order has been made, therefore, no further action be taken in the matter. The contempt application is disposed of as not pressed.

Judge

Judge