

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Const. Petition No. D-73 of 2021
(Shahid Hussain Leghari v. P.O. Sindh & others)

Present:-

**Mr. Justice Muhammad Iqbal Kalhoro &
Mr. Justice Arbab Ali Hakro**

Mr. Achar Khan Gabol, Advocate along with petitioner.
Mr. Manzoor Hussain N. Larik, Advocate for respondents No.3&4.
Mr. Manoj Kumar Tejwani, Advocate for respondents No.5&6.
Mr. Ali Raza Baloch, Assistant A.G-Sindh.

Date of Hearing & Order: **12-03-2024**

ORDER

MUHAMMAD IQBAL KALHORO, J:- Petitioner had applied for the post of Assistant Director I.T (BPS-17) in Begum Nusrat Bhutto Women University, Sukkur, in terms of advertisements dated 09.02.2020, published in various newspapers. It is the case of petitioner that he qualified the same and achieved highest marks in written test and appeared in the interview as a consequence. But in the final result, respondent No.6 Sajjad Hussain and respondent No.5 Nasrullah were declared qualified and appointed accordingly. As per his counsel, name of Sajjad Hussain does not appear on the merit-list of written test, whereas, respondent No.5 Nasrullah had obtained less marks than him and his name was below the name of petitioner on the merit-list.

2. On the other hand, learned counsel appearing on behalf of respondents No.5&6 submits that the list provided by the petitioner, available at page-35, is not an authenticated one. On the contrary, he has filed a list of written test along with his counter-affidavit, available at page-19, which shows that respondent No.6 Sajjad Hussain had obtained the highest marks and was at serial No.1. The petitioner was at serial No.6 in fact, whereas, respondent No.5 was at serial No.5 on the merit-list. They both had appeared in the written test and qualified it, whereas the petitioner could not. Learned counsel further submits that respondent No.6 has already resigned and has joined Arore University, Sukkur. Therefore, this petition to his extent has become infructuous.

3. Learned counsel for respondents-university has filed a counter-affidavit of relevant respondents, but has not filed any merit-list of written test to verify the counter claims of parties as quoted above over the issue. He further submits that petitioner should file an application before the Vice Chancellor, of the University (respondent No.3) for a decision after a proper enquiry. To this proposal, everyone present has agreed.

4. Accordingly, we **dispose of** this petition directing the Vice Chancellor, Begum Nusrat Bhutto Women University, Sukkur (respondent No.3) to treat this petition as an application on behalf of petitioner and shall decide the same within a period of two months and submit compliance report for a perusal in chamber. Office to transmit a copy of this petition along with this order to the Vice Chancellor for this purpose.

JUDGE

JUDGE