

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 406 of 2023

*(Siraj Ahmed Khemtio versus The Secretary Schools Education and others)*

Present:

**Mr. Muhammad Iqbal Kalhoro, J.**

**Mr. Arbab Ali Hakro, J.**

Date of hearing : **21.03.2024**

Date of decision : **21.03.2024**

Petitioner Siraj Ahmed Khemtio, present in person.

Mr. Zulfiqar Ali Naich, Assistant Advocate General Sindh along with Imdad Ali Larik, Focal Person of Director School Education (Elementary, Secondary & Higher Secondary), Sukkur and Atiq-ur-Rehman Memon, Assistant Education Officer (Elementary, Secondary & Higher Secondary), Khairpur.

## **ORDER**

**Muhammad Iqbal Kalhoro, J.** – Petitioner had applied for appointment as a Primary School Teacher ('PST') on disabled quota and obtained 35 marks in the requisite test. He was not appointed yet, hence he has filed this petition. According to learned AAG and the officials of Education Department present in Court, the benchmark for qualifying the test for the post of PST for all candidates was 40 marks, and this Court has already decided in CP No. D-297 of 2022, vide order dated 26.01.2023, that no one having below than 40 marks be considered and appointed, hence, the petitioner was not appointed.

2. On the other hand, petitioner submits that on disabled quota many persons who obtained less than 40 marks have been appointed, and even in the subsequent recruitment of Junior School Teacher, a disabled person, who had obtained 38 marks was appointed.

3. Form the pleadings of parties, we have gathered that 40% marks as a benchmark for qualifying the test was general for all candidates to achieve to become eligible for consideration for the appointment. The law requires that for disabled persons 5% quota in the appointment is to be maintained. The officials are not able to satisfy the Court as to how this quota was to be maintained in the subject recruitment and what was the criterion in terms of marks in the test for disabled persons to cross over to become eligible for appointment as PST, and why it was not pursued.

4. Therefore, while disposing of this petition, we refer the matter to the Secretary, School Education & Literacy Department, Government of Sindh to consider the case of the petitioner in the light of above observations and questions raised and make a decision afresh within a period of two (02) months. After two (02) months, a copy of the decision made by the Secretary in the case of petitioner shall be filed before this Court for a perusal in chamber.

The petition, in above terms, is **disposed of** along with pending application(s), if any.

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Abdul Basit