

35

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
C.P No.D-1118 of 2014.

| | |
|------------------------|--|
| DATE OF HEARING | ORDER WITH SIGNATURE OF HON'BLE JUDGE |
|------------------------|--|

1. For orders on office objection 'A'
2. For Hearing of main case.

02.11.2017

Mr. Rashid Mustafa Solangi, advocate for the petitioner.

Mr. Safdar Ali Ghouri, advocate for respondent No.4.

Mr. Ameer Ahmed Naerjo, State Counsel.

Through instant petition, the petitioner has sought following relief :

- a) To direct the respondents to issue appointment order for the post of JST BPS-14 to the petitioner being eligible and qualified candidate.
- b) To declare that the respondents No.1 to 3 have no lawful authority to accommodate respondent No.4 in UC Paryia, she neither belongs to the said UC nor having participated in the examination for the said post.
- c) Award costs of the Petition.
- d) Any other equitable relief be granted to the Petitioner.

It is alleged that pursuant to the advertisement published in various newspapers, the petitioner applied for the post of Junior School Teacher (BPS 14) being resident of Union Council Paryia, Taluka K.N. Shah, District Dadu and appeared in written test conducted by National Testing Service (NTS) and secured second position in said U.C as per final merit list. The number of vacant post of Junior School Teachers for the said U.C was more than two, therefore, the petitioner being meritorious candidate was required to be appointed but at her place the respondent No.4, who belongs to Dadu Town, and had political backing, was accommodated and appointed by the respondents No.1 to 3 in the seat of U.C Paryia illegally and *mala fide*ly.

After receiving notice, the respondents No.2 & 3 i.e. Director Schools Education and District Education Officer Dadu, filed

45

their comments stating therein that the posts of Junior School Teachers were advertised by Reform Support Unit (RSU) Department for General and Science Groups. The petitioner was declared successful in General Group but there was no post of Junior School Teacher of General Group in U.C Paryia, and, therefore, the recruitment committee recommended respondent No.4, for the appointment to the post of Junior School Teacher in Science Group being declared successful candidate in Science Group.

The respondent No.4, namely, Saima Javed, has also filed para wise comments alleging therein that she is resident of village Khair Muhammad Baladi of Union Council (U.C) Parya Taluka Khairpur Nathan Shah District Dadu and such Residence Certificates were issued by the Mukhtiakar, Revenue, Khairpur Nathan Shah, and Secretary Union Council (U.C) Parya in favour of the respondent No.4. The Domicile and Permanent Resident Certificate (P.R.C) issued by the Deputy Commissioner, Dadu, whereby the place of Domicile is shown as village Khair Muhammad Baladi Taluka Khairpur Nathan Shah District Dadu and her Computerized National Identity Card reveals that she is permanently resident of village Khair Muhammad Baladi Taluka Khairpur Nathan Shah, District Dadu. She has further stated that the petitioner secured second position in Junior School Teacher (J.S.T) General Group, while she (respondent No.4) secured First Position in Junior School Teacher (J.S.T) in Science Group female in Union Council Parya, therefore, she has preferable right over the petitioner.

Heard learned counsel for the petitioner, respondent No.4 and learned State Counsel.

It appears from the perusal of the record that there were total 53/53 vacant seats for Junior School Teachers in Science and General Group in District Dadu, out of which, only one post of Junior School Teacher, Science Group was lying vacant in U.C Parya, Taluka Khairpur Nathan Shah, District Dadu, for which the respondent No.4,

32

was appointed being candidate of Science Group, who secured total 81 marks while the petitioner secured 89 marks but in General Group in the test conducted by National Testing Service (N.T.S) and since only one seat was lying vacant in U.C Parya for Junior School Teacher, Science Group, the respondent No.4 was appointed being successful candidate.

So far, the claim of petitioner that the respondent No.4 is not the resident of U.C Parya is concerned, the residence certificates issued by the Mukhtiarkar, Revenue, Taluka K.N. Shah, and Secretary Union Council Parya, submitted by the respondent No.4 along with her written statement, show that the respondent No.4 is resident of Soomra Muhalla village Khair Muhammad Baladi, Post Office Sita Road, Union Council Parya, Taluka Khairpur Nathan Shah, District Dadu. Besides the Deputy Commissioner, Dadu, in compliance of this Court order dated 01.10.2014, submitted his comments in respect of Domicile and P.R.C of respondent No.4, stating therein that as per CNIC No.41201-6088981-0 issued by NADRA on 15.02.2011, the respondent No.4 is permanently resident of village Khair Mohammad Baladi Taluka K.N. Shah, District Dadu and after verification of original documents, Mst. Saima D/o Shamsuddin Soomro (respondent No.4) was issued Domicile Certificate & PRC from his office.

The petitioner has failed to rebut the claim of respondent No.4 that she is resident of U.C Parya through any affidavit-in-rejoinder or objection and placing any material contrary to the alleged certificates of Mukhtiarkar (Revenue), Taluka K.N. Shah, Secretary Union Council Parya and report of Deputy Commissioner, Dadu.

We, therefore, find no merit in this petition which accordingly is dismissed with no order as to costs.