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ORDER-SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Constt. Petition No. D- 1882 of 2011.

Date of hearing	Order with signature of Judge
05.10.2017.	

For hearing of case.

Mr. Fida Hussain Shah, Advocate for petitioner.  
Mr. Shafi Muhammad Chandio, Addl. A.G.

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Through this petition, the petitioner has sought the following relief(s):-

- (a) To direct the respondent No.1 to issue posting order/ appointment order to the petitioner for the post of Field Assistant (BPS-11) without any further loss of time.
- (b) To direct the respondent No.1 not to issue any further posting orders to the other candidates who are being posted in the wake of same test in which the petitioner was held successful, till final disposal of this petition.

2. Counsel for petitioner submits that offer letter was issued to petitioner on 30.11.2010, whereafter medical test was also conducted and the petitioner approached the respondents for joining but he was not given any such joining. Being aggrieved the petitioner filed Constt. Petition No. D- 380/2011, which was withdrawn on 21.4.2011, as according to the petitioner the respondents had promised him to give joining. He submits that again thereafter no joining was offered and present petition was filed. He further submits that though the petitioner is a plane B.Sc. and not B.Sc (Agriculture) and so also does not possess any diploma of two years as contended by the respondents; however as per petitioner's information various other persons who were not qualified were appointed. In the circumstances, he prays for allowing this petition.

3. On the other hand comments have been filed, wherein the stance of the petitioner has been denied and it is stated that notwithstanding the offer letter and issuance of physical fitness certificate the petitioner was never qualified.

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4. We have heard the learned counsel for the petitioner and perused the record.

5. Firstly, we may observe that the petitioner has withdrawn petition on the basis of statement and such withdrawal was simpliciter without any permission to file fresh petition, therefore, we are of the view that subsequent petition on the same issue is not maintainable. However, notwithstanding this, we have even heard the petition on merits and it reflects that apparently petitioner does not meet the two requirements of B.Sc (Agriculture) and two years Diploma in agriculture. In the circumstances, we do not see any reason to give any indulgence to the petition. Accordingly, the petition being misconceived in facts and law is dismissed.

Ansari/\*