

15

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Constt: Pett: No. D- 1270 of 2014.

Date Order with signature of Hon'ble Judge

7
07.8.2018. 1.For hearing of M.A No. 4868/2014.
2.For hearing of main case.
Mr. Safdar Ali G. Bhutto, advocate for the petitioner.
Mr. Abdul Hamid Bhurgri, A.A.G.

=====

Through instant petition, the petitioner has prayed for the following relief:

- a. Direct the respondents to recall/cancel the offer letters/orders, if any, issued to the respondents No.8 and 9, who have secured less marks than the petitioner and their names were appearing below the petitioner in the merit list.
- b. Direct the respondents to issue appointment order in favour of the petitioner on the post of Primary School Teacher, as the petitioner has secured more marks than respondents No.8 and 9 and her name was mentioned in the Final Merit List of DRC Kamber above the respondents No.8 and 9, therefore, she is legally entitled to be appointed on such post purely on merit basis.
- c. Pass restraining order thereby directing the respondents not to issue appointment orders in favour of respondents No.8 and 9 to keep one Seat of P.S.T in the mixed seats vacant, till decision of this petition.

Briefly stated facts of the case, as narrated in the memo of petition, are that vide publication in "Daily Kawish" Hyderabad dated 19.4.2012, the applications were invited by the Education and Literacy Department, Government of Sindh from the

[Handwritten signature]

candidates of the districts throughout Province of Sindh for the posts of Primary School Teacher, Junior School Teacher (Science/General) and High School Teacher. The required qualification for the post of P.S.T was intermediate. It is alleged that the petitioner, who belongs to U | C Wagan-3 Taluka Kamber District Kamber Shahdadkot applied for the post of P.S.T and in consequences of that she was called upon to appear in the requisite recruitment test held on 20.01.2013 through NTS wherein she secured 73 marks and was accordingly declared successful in provisional merit list at Sr.No.17 and later the name of the petitioner was placed at Sr.No.15 in final merit list as some of the candidates were selected for the post of J.S.T. It is case of the petitioner that according to need based vacancy position, there were in all 15 seats of P.S.T but the petitioner despite having secured requisite marks and recommended for the appointment by the District Recruitment Committee, the respondents No.1 to 6 with malafide intention and depriving the petitioner from appointment order, issued list of candidates for the post of P.S.T ignoring the petitioner whereas the names of respondents No.8 and 9, who had secured lesser marks, had been included and offer letters were issued to them.

On being served, the official respondents filed their comments wherein it has categorically been stated that the petitioner produced her Domicile/PRC dated 31.8.2012 which was issued after cut off date i.e. 20.05.2012 hence her candidature was not recommended by the D.R.C and since the respondents No.8 and 9 submitted all their required documents including their Domicile/PRC before 20.05.2012, their names were included in final merit list.

Ant.

Learned counsel for the petitioner has contended that the only justification given by the respondent NO.1 in his comments for not considering the petitioner for the appointment was that she produced her Domicile/PRC after cut off date, which cannot be appreciated as the respondent No.1 did not specifically point out any particular provision of Teachers Recruitment Policy, 2002 showing that the Domicile/PRC were to be submitted before the cut off date and since the petitioner had already applied for the Domicile/PRC which were later on deposited by her soon after receiving them, she cannot be deprived from her right of being appointment as P.S.T merely on the ground that the said required documents were produced by her after the cut off date.

On the other hand learned A.A.G, while referring to the terms and conditions as mentioned in the advertisement for the post of P.S.T has maintained that it was categorically stated that application forms, complete in all respects, must reach to the office of D.E.O concerned by the closing office hours on or before 20.5.2012 and since the requisite documents were not submitted by the petitioner on or before the cut off date, her case was rightly not considered by the DRC for appointment as P.S.T.

Heard learned counsel for the petitioner, A.A.G and perused the material available on record.

It appears that the attaching with the application form certain documents including Domicile and PRC was the requirement for the candidate for the post of P.S.T with the directions that the application forms complete in all respects must reach the office of D.E.O concerned before closing office hours on or before 20.05.2012, it is an admitted position that the petitioner did



2)

not annex her Domicile/PRC on the said date and the same were obtained by her later after two months and 10 days hence she was not found eligible for the appointment as P.S.T. It may be observed that passing the written test was not the sole criteria for recruitment but the candidate who had passed written test had to fulfill all other conditions such as submission of complete documents as mentioned in the above advertisement.

We, therefore, find no merit in the instant petition, which is accordingly, dismissed.



JUDGE



JUDGE