

**IN HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

CP No. D-1814 of 2014

PRESENT:

MR. JUSTICE ARBAB ALI HAKRO

MR. JUSTICE RIAZAT ALI SAHAR

None present for the petitioner.

Mr. Muhammad Ismail Bhutto, Additional Advocate
General Sindh.

Date of hearing & decision: 04.03.2025.

ORDER

RIAZAT ALI SAHAR, J: - Through this petition, the petitioner
has prayed as under:-

- a). *That the respondents to issue Offer Letter/Appointment Order to the petitioner as she stands at first position in UC Nawabshah-09 forthwith.*
- b). *Grant ad-interim injunction, thereby directing the official respondents not to issue offer letter to any candidate of UC Nawabshah-9, Taluka Nawabshah and suspend the further process of offer letters issued to the respondents No.8 to 10 and not to issue appointment orders to them or any other candidate against vacant posts of Primary School Teacher in UC Nawabshah-09, Taluka Nawabshah, District Shaheed Benazirabad and not to pass any order creating right of any other person, till final disposal of the instant petitioner.*
- c). *Cost.....*
- d). *Any other relief.....*

2. None is present to represent the petitioner. However, in her petition, she claims that respondent No.3 advertised different posts, including Primary School Teacher (PST) (BPS-

09) under the Teachers Recruitment Policy-2012 of the Government of Sindh. The policy stipulates that appointments for Primary School Teachers would be determined on a Union Council basis. The petitioner applied for the PST, successfully passed the written test with 86 out of 100 marks and secured the first position among female candidates in UC Nawabshah-09. On the basis of merit formula under TRP-2012, her total marks calculated 106, making her the highest-ranked candidate in UC-09. Despite this, she was not selected, and the respondents allegedly appointed candidates due to favoritism. The petitioner, therefore, seeks her appointment as a Primary School Teacher in UC Nawabshah-09.

3. In response to the Court notice, respondent No.7 filed written comments, denying the allegations made in the petition. Respondent No.7 stated that under the Teachers Recruitment Policy-2012 and the guidelines provided by the Reform Support Unit, Education & Literacy Department, Government of Sindh, his role was limited to initially furnishing a merit list of Disabled and Minority Candidates on a Union Council basis. Only after accommodating these candidates could General Merit List candidates are considered for appointment. As per this policy, the Merit List of Minority and Disabled Candidates was prepared and three seats were allocated in UC Nawabshah-09. These positions were filled by two female Minority Candidates, namely Aroosa and Jospheen (respondents No.9 & 10), and one male Minority Candidate, Aneel Joseph (respondent No.8), who had qualified the written test. Upon fulfilling all necessary requirements, they were appointed as Primary School Teachers.

4. On the other hand, learned A.A.G. Sindh opposes the claim of petitioner on the ground that no violation of Teachers Recruitment Policy 2012 was committed and the candidates

who had first preferring right to the appointment as per policy were appointed in accordance with law.

5. We have heard learned A.A.G. Sindh and perused the material available on record.

6. The claim of the petitioner is that merit should be determined on a Union Council basis per the Teachers Recruitment Policy-2012 and claimed her entitlement to the post of PST as she secured the highest marks in UC Nawabshah-09. She further alleges that the appointment of respondents No.8 to 10 was based on favoritism. However, the appointment process for teachers falls under the jurisdiction of the Education and Literacy Department, Government of Sindh. The relevant section of the Teachers Recruitment Policy-2012 states:

Appointment/School Selection Process

A Disable and minority candidates (Reserve quota 2% for disable and 5% for minority).

1. The DRC will first receive the merit list of only disabled and minority candidates from the DEO. The list will rank candidates from first position to last, based on the above scoring system.

2. Candidates.....

3.

7. In fact, it appears that the appointments of respondents No.8 to 10 were made in accordance with the established policy. Thus, the relief sought by the petitioner cannot be granted, despite her securing the highest marks among General Merit Candidates in UC Nawabshah-09. Further, the comments of respondent No.3 indicate that the District Recruitment Committee was the designated body for addressing grievances related to recruitment. However, the

petitioner has not provided any evidence that she approached the committee to seek redressal before filing this petition.

8. For what has been discussed above, we are convinced with the stand taken by the respondents that the policy mandates that Disabled and Minority Candidates be given priority for appointments before considering General Merit Candidates. In this case, the respondents have adhered to the policy. Therefore, this petition is misconceived and is hereby dismissed with no order as to costs.

JUDGE

JUDGE