

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS.

C.P. No.D-991 of 2024

[Mashooque Ali & others Vs. Province of Sindh & others].

Present:-

Mr. Justice Arbab Ali Hakro,
Mr. Justice Riazat Ali Sahar

Date of hearing: 12.03.2025

Date of Decision: 12.03.2025

Mian Taj Muhammad Keerio, advocate for the petitioners.
Mr. Ayaz Ali Rajper, Assistant Advocate General.

ORDER

Arbab Ali Hakro, J. The present petition arises from the petitioners' claim for appointment under the son quota in the Sindh Police Department. The petitioners sought to substantiate their entitlement by invoking Rule 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974. However, it is pertinent to underscore that Rule 11-A of the aforementioned rules has been subjected to critical judicial examination in the light of its constitutional validity. The Supreme Court of Pakistan in its authoritative and binding judgment rendered in the case of **General Post Office, Islamabad**¹ has categorically declared Rule 11-A as ultra-vires to the Constitution. The Supreme Court, in its detailed and elucidated pronouncement, meticulously analyzed the provision of Rule 11-A and concluded the Rule, being inconsistent with the constitutional principle of equality, meritocracy, and non-discrimination, does not withstand the test of constitutionality. The said judgment is not merely persuasive but holds a binding precedent as it illuminates from the country's apex court. Consequently, any reliance on Rule 11-A as legal basis for claiming appointment under son quota becomes untenable and devoid of legal efficacy.

In the instant case, the petitioners may have legal expectations stemming from the provisions of Rule 11-A; subsequent declaration of its unconstitutional infirmity effectively nullifies such expectations. This Court is consistent by the doctrine *stare decisis* to abide by laws laid down by apex court. This principle not

¹ PLD 2024 Supreme Court 1276 (General Post Office, Islamabad and others versus Muhammad Jalal.

only fortifies the rule of law but also ensures that judicial decisions are not made in isolation but are instead grounds established.

In view of the foregoing judicial findings and binding authorities of the apex court and in Muhammad Jalal's case, this petition lacks legal merits. Accordingly, this petition is dismissed along with the pending application.

J U D G E

J U D G E

Irfan Ali