

IN THE HIGH COURT OF SINDH AT KARACHI

CP. No. D-3459 of 2015

(*Dr Asma Sarwar Khan & others v Government of Sindh & others*)

CP. No. D-5029 of 2015

(*Abdul Sattar Niazi v Province of Sindh & others*)

Date

Order with signature of Judge

Before:

Mr. Justice Muhammad Karim Khan Agha

Mr. Justice Adnan-ul-Karim Memon

Date of hearing and Order: 14.04.2025

Dr Raana Khan for the petitioners in both petitions

Mr. Ali Safdar Depar AAG

ORDER

Adnan-ul-Karim Memon, J: Candidates seeking jobs under Respondents No. 2-4 have filed a petition alleging irregularities in the recruitment process initiated by two advertisements. These advertisements were mandated by a prior court order (May 14, 2012, in CP No D-215/2012) to ensure fair hiring due to past issues of nepotism and rule-breaking within these Sindh government bodies. The petitioners claim the Respondents violated the court order by taking roughly three years instead of two months for the fresh recruitment. Not stating the number of openings for each job type. Ignoring Sindh Employees Social Security Institution (SESSI) rules by not specifying quotas for women minorities, and disabled individuals. Conducting interviews non-transparently (over 700 candidates interviewed in just 4 hours). Not indicating urban and rural quotas for the positions. Petitioner Abdul Sattar Niazi in C.P. No. 5029 of 2015 also seeks indulgence of this Court to declare the process of appointment of BPS-16 and above by passing Sindh Public Service Commission and appointment below the 16 grade without advertisement is illegal. He also based on his submissions in terms of various orders passed by this Court on the subject issue.

2. The petitioners' counsel argued that the alleged actions by the respondents violated procurement rules and the court's prior directive (May 14, 2012), indicating a lack of transparency and abuse of power. She stated that lacking other legal options, they seek the court's declaration that the current recruitment is illegal and contravenes regulations and the said court order. The counsel further recalled that the earlier petition successfully argued for respondent No. 2 to re-advertise the vacancies from the April 6, 2011 advertisement. This re-advertisement, as mandated by the court, was to be published in widely circulated Urdu, Sindhi, and English newspapers, clearly identifying the Sindh Employees Social Security Institution as the employer in bold letters and specifying the

number of vacancies in each category. Furthermore, the previously submitted applications were to be processed only after receiving and processing new applications from the re-advertisement. The age limit was to be calculated based on the original advertisement date (April 6, 2011) for all applicants. The selection process was to be fair, merit-based, and transparent, occurring after receiving and processing the new applications, with sufficient time given to new applicants. This entire exercise was to be completed promptly, ideally within two months. The original petitioner was also granted the liberty to file a separate petition challenging the appointment of respondents Nos. 4 to 6, without affecting the re-advertisement process. However, nothing has happened as stated, and previous orders need to be implemented.

3. We have heard the learned counsel for the parties present in Court and have perused the record with their assistance.

4. It appears that much water has flown under the bridge since 2015 when the captioned petitions were filed to claim implementation of the order dated 15.04.2012 passed by this Court in C.P. No.D-215 of 2012. Without touching the merits of the cases, these petitions can be resolved by directing the respondent department to look into the issue involved in the petition if the petitioners' cause still subsists. In the meanwhile, the respondents are mandated to advertise all job vacancies that have not been previously advertised. This would ensure that all eligible individuals have the opportunity to compete for these positions if vacant based purely on merit through a competitive process.

5. To achieve this, the matters should be sent back to the respondent department for their review after hearing the petitioners within a reasonable time. If the relevant posts have not been filled already, they should be filled strictly based on merit following a proper advertisement process. Consequently, these petitions are disposed of with the aforementioned directions.

JUDGE

Head of Const. Benches