

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT KARACHI
Constitution Petition No. D-558 of 2022
(Muzafar Ali & others Vs. Government of Sindh & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Before:
Muhammad Karim Khan Agha, J;
Adnan-ul-Karim Memon, J

Date of hearing and Order: 19-08-2025

Mr Qaim Ali Memon, advocate for the petitioners.
Mr. Ali Safdar Depar , Assistant Advocate General

ORDER

ADNAN-UL-KARIM MEMON, J.: The petitioners are requesting this Court to grant the following relief:

- 1. To direct the respondents to release the salaries of the petitioners if their documents are genuine.
- 2. Any other relief in favor of the petitioner, which may please be granted.

2. The Petitioners claim to be teachers who are continuously serving in the Education Department but have not received their salaries. They mention that a previous Supreme Court of Pakistan order dated 16.12.2021 and 15.9.2022 (in a separate case, CP No. 46 of 2018) directed the department to release salaries for teachers with authentic documents. They submit that, based on established legal principles, this relief should also apply to them, even though they were not parties to the original case. They request that this court direct the department to release their salaries after verifying their documents.

3. The Education Department denies the petitioners' claims by submitting that the petitioners are not their employees. They state that the petitioners are not serving in the department, so they are not entitled to a salary. Learned AAG submitted that the Supreme Court order dated December 16, 2021, already created a committee to scrutinize the cases of all applicants. This committee was tasked with verifying all documents, including educational qualifications, domicile, and continuous service. He further submitted that the committee has already reviewed and cleared the cases of 212 validly appointed teachers. However, it also found that 69 candidates had bogus educational certificates. 652 candidates did not have the required qualifications, domicile, or Permanent Residence Certificates (PRC). 104 candidates were cleared after they submitted missing medical certificates. The learned AAG argues that the legal principle cited by the petitioners (that a court

order applies to others not in the case) does not apply here because the Supreme Court order explicitly set up a specific verification process that has already been carried out. He asserts that the petitioners' petition is "time-barred" (meaning it was filed too late) and cites multiple previous court judgments that dismissed similar petitions due to an unreasonable delay, a legal principle known as laches. He next submitted that the petitioners did not file a review petition against the Supreme Court's decision, which implies their acceptance of that decision. Based on these arguments, the AAG asks this court to dismiss the petition.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. The petitioners' claims relate to a recruitment process from 2012, and this petition was filed in 2022, too late and is therefore "hit by laches." we find no justifiable reason for the decade-long delay. The similar cases where other benches of this court had dismissed identical petitions on the same grounds, including at the Sukkur and Hyderabad Circuit Courts.

6. This court finds this petition misconceived and not maintainable, and liable for its dismissal.

JUDGE

HEAD OF COST. BENCHES

Shafi