

## IN THE HIGH COURT OF SINDH KARACHI

### Present:

Mr. Justice Adnan Iqbal Chaudhry  
Mr. Justice Muhammad Jaffer Raza

Constitution Petition No. D – 4178 of 2025  
[Shumail Ali and others versus The High Court of Sindh & another]

|                 |   |   |
|-----------------|---|---|
| Petitioners     | : | Shumail Ali & others through<br>Mr. Ali Asadullah Bullo, Advocate |
| Respondents     | : | Nemo.   |
| Date of hearing | : | 01.09.2025  |
| Date of order   | : | 01.09.2025  |

### ORDER

**Muhammad Jaffer Raza J:-** The instant petition has been filed by the Petitioners impugning an administrative order of the Hon’ble Chief Justice of the High Court, declining to relax the upper age limit in the appointment of the petitioners as staff in the District Court, Naushahro Feroze. Vide order dated 25.08.2025 the learned counsel was put on notice as to how the instant petition is maintainable in light of the judgment in the case of Gul Taiz Khan Marwat v/s Registrar Peshawar High Court (PLD 2021 SC 391).

2. Today learned counsel has placed on record order dated 09.05.2025, in which according to him, the earlier judgment has been reviewed/modified by the Hon’ble Supreme Court.

3. We have perused the noted order and hold that the same does not apply to the case at hand. The said review petition was allowed only in respect of the Petitioner seeking review to allow him the remedy of an appeal already provided in Rule 12 of the Peshawar High Court Ministerial Establishment (Appointment and Conditions of Service) Rules, 1989, which was overlooked in disposing of his

petition. On a specific query, learned counsel for the Petitioner candidly conceded that the principle laid down in *Gul Taiz* was not reviewed.

4. It is a settled proposition of law that administrative, executive and consultative actions of the Chief Justices and Judges of a High Court are immune to challenge under the writ jurisdiction of this Court. Relevant paragraph of the noted judgment is reproduced below:

*“In this case with respect to the administrative, executive or consultative acts or orders in question, the answer to the “but for” test is an unqualified no, therefore, such acts or orders would in our opinion be protected by Article 199(5) of the Constitution and thereby be immune to challenge under the writ jurisdiction of the High Court.”*

For the said reason the instant petition is dismissed in limine along with listed applications.

JUDGE

JUDGE

*Nadeem*