

## THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Const. Petition No.D-1325 of 2025  
(*Baby Farkhanda Laghari v. P.O. Sindh & others*)

### PRESENT:

MR. JUSTICE ZULFIQAR ALI SANGI

MR. JUSTICE RIAZAT ALI SAHAR

Petitioner :	<b>Baby Farkhanda Laghari</b> through Mr. Zulfiqar Ali Laghari, Advocate.
Respondents:	Through Agha Athar Hussain, Assistant A.G Sindh.
Date of Hearing :	<u>15.10.2025</u>
Date of Decision :	<u>15.10.2025</u>

### ORDER

**RIAZAT ALI SAHAR J:** - The case of the petitioner is that the respondents-department announced 1188 vacant posts of **Early Childhood Teacher** (BPS-15) (“ECT”). The said advertisement was issued by the competent authority through the official website of SIBA Testing Service (STS) as well as published in various newspapers during the month of January 2025. The petitioner, being highly qualified, having secured First Division in the B.Ed. (Honors) degree program of 2.5 years, eligible, young, energetic, and duly qualified, applied for the post of ECT through STS. She submitted all requisite testimonial documents before the respondents and fulfilled the requirements as per the Recruitment Policy, 2021. Thereafter, the respondents issued an admit slip bearing Seat No.50442 for appearance in the written test, wherein the petitioner duly appeared and secured 48 marks. Her name was placed at Serial No.1182 in the Recruitment Test Result list. Subsequently, respondent No.7 issued letter dated 10.07.2025 regarding the announcement of the result, wherein it was informed

that only those candidates who secured a minimum cut-off score of 55% would be considered qualified for the post of ECT – Female Only. It is further averred that prior to the announcement of the result for ECT, the respondents-department had filled the posts of Primary School Teachers (PSTs) and Junior Elementary School Teachers (JESTs) under the same policy, wherein the cut-off score of 55% was challenged before this Court and vide detailed judgment dated 25.01.2024 passed in C.P. No.D-84 of 2023, this Court declared that candidates securing 40 marks or above shall be considered eligible for appointment against the posts of PST and JEST. The said judgment was challenged by the respondents-department before the Honourable Supreme Court, wherein the judgment of this Court was maintained. It is also stated that in the published result for the post of ECT, only 585 candidates were declared successful, as the passing marks were arbitrarily enhanced to 55% without any prior notification, amendment in policy, or public rationale, thereby rendering the recruitment process non-transparent, unfair, and violative of settled legal norms. It is pertinent to mention that 603 vacancies of ECT still remain vacant with no appointments having been made. The arbitrary enhancement of passing marks has resulted in a large number of posts remaining unfilled, thereby defeating the purpose of recruitment, violating the legitimate expectations of candidates, and creating discrimination among similarly placed individuals. The respondents, by their arbitrary and unlawful acts, have deprived the petitioner of her lawful right of consideration for appointment on merit, in violation of law as well as the Constitution. Lastly, she prayed that she may be accorded equal treatment in light of the earlier judgment of this Court and that the process of the final merit list or any further proceedings of the recruitment committee for the appointment of ECT in District Khairpur be suspended.

2. Learned counsel for the petitioner submits that the petitioner, being fully qualified, applied for the post of ECT through STS, appeared in the test, and secured 48 marks. He contends that the respondents arbitrarily enhanced the passing marks to 55% without any policy amendment, rendering the process unfair and discriminatory. It is argued that this Court, in an earlier judgment upheld by the Honourable Supreme Court, had declared candidates securing 40 marks or above eligible for similar posts. He further submits that 603 posts still remain vacant and prays that the petitioner be granted equal treatment in light of the said judgment.

3. On the other hand, learned AAG, while placing on record the Recruitment Policy, 2021, controverts the submissions advanced by learned counsel for the petitioner and submits that the recruitment process for the post of ECT has been conducted strictly in accordance with law and the prevailing Recruitment Policy, 2021. He contends that fixation of a minimum cut-off score of 55% was a policy decision taken by the competent authority to ensure merit and transparency in the selection process. It is argued that mere participation in the written test or securing marks below the prescribed threshold does not confer any vested right to appointment. Learned AAG further submits that the earlier judgment relied upon by the petitioner pertains to different posts under distinct circumstances and cannot be applied *mutatis mutandis* to the recruitment process for the post of ECT. He maintains that the petitioner, having failed to achieve the required qualifying marks, has no legal entitlement or cause of action, and that the recruitment proceedings have been conducted fairly, without any discrimination or arbitrariness.

4. We have heard the learned counsel for the parties and perused the record. Admittedly, the petitioner secured 48 marks, whereas, as per the Recruitment Policy, 2021, the minimum

passing marks are 55%. However, insofar as the contention of counsel for the petitioner that she may be accorded equal treatment in light of the earlier judgment passed by this Court is concerned, the same is not tenable, **as the said judgment pertains to different posts under distinct circumstances and cannot be applied *mutatis mutandis* to the recruitment process for the post of ECT.** Therefore, keeping in view the foregoing background, there remains no occasion to further scrutinize the selection process, which otherwise appears to be transparent, as the petitioner has not alleged any foul play in the recruitment proceedings.

5. It is also to be observed that recruitment to public service constitutes a facet of the right to equality of opportunity under Article 27 of the Constitution of the Islamic Republic of Pakistan, 1973. While the competent authority retains discretion to prescribe qualifications and standards for selection, such discretion is not unfettered and must operate within the parameters of reasonableness, fairness, and non-discrimination. Any deviation from uniform application of recruitment policy, unless supported by cogent justification or statutory sanction, may invite judicial scrutiny. However, in the instant case, the petitioner has not demonstrated any mala fide intent, colourable exercise of authority, or violation of the principles of natural justice on the part of the respondents.

6. We have observed that different thresholds of marks are being applied for purposes of admission, passing, and recruitment in various departments and educational institutions. Such inconsistency in determining the qualifying benchmark has been a recurring issue leading to ambiguity and disparity in selection processes. Recently, this Bench had examined a similar controversy in the case of ***Khurram Ahsan v. Province of Sindh (C.P. No.D-1256 of 2023)***, decided through judgment dated 19.10.2025, wherein it

was held that the threshold for passing marks in the written test for recruitment shall be 50%, in view of the judgment of the Hon'ble Supreme Court of Pakistan in the case of *Pakistan Bar Council v. Federation of Pakistan (2019 SCMR 389)*. The Apex Court, in the said judgment, emphasized the need for maintaining uniform and reasonable standards to ensure fairness and transparency in recruitment processes. It has further been observed that in another Constitutional Petition No.D-89 of 2022, decided on 14.04.2022, the respondent-department placed on record Notification dated 08.03.2022, whereby the method, qualifications, and other conditions for appointment in respect of the posts of JST (BPS-14) (Teaching Service), School Education & Literacy Department, Government of Sindh, were modified. **Through this change, the qualification and experience for initial appointment were revised to require a Graduate or equivalent degree (14 years of education) having 50 % marks or equivalent from a university recognized by the Higher Education Commission (HEC). This change in policy dated 08.03.2022 is reproduced as under:**

“NO. SO(S-I)10-270/2022(P-1)  
GOVERNMENT OF SINDH  
SCHOOL EDUCATION & LITERACY DEPARTMENT  
Karachi, dated 08th March, 2022  
NOTIFICATION

NOSO(S-I)10-270/2022(P-):- In pursuance of sub-rule (2) of rule 3 of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 and in consultation with the Services, General Administration and Coordination Department, Government of Sindh, and in partial modification of this Departments Notification No. SO(S-H10-274/2014(P-1) dated the 15th January, 2021, the method, qualifications and other conditions for appointment in respect of the posts of Junior Elementary School teacher (BFS-14) (Teaching Service), School Education & Literacy Department, Government of Sindh, mentioned in column 1 of the table below, shall be as laid down in column No. 2,3 and 4 thereof-

**TABLE**

NAME OF POST WITH BS	METHOD OF APPOINTMENT	QUALIFICATION AND EXPERIENCE FOR INITLAL APPOINTMENT	AGE LIMIT MIN-MAX
1	2	3	4
Junior	By initial	Graduate or	21-30 Years

Elementary School Graduate or equivalent degree Teacher (JEST) (BPS-14).	appointment subject to completion of mandatory training as approved by the administrative department	equivalent degree (14 years education) having at least 50% marks or equivalent from a University recognized by HEC.	
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(GHULAM AKBAR LAGHARI)  
SECRETARY TO GOVERNMENT OF  
SINDH”

7. Though we are not in agreement with the varying thresholds prescribed for admission, passing, and recruitment under the said policy, it is noted that the policy itself has not been challenged before us; therefore, we refrain from interfering with it. Nevertheless, we consider it appropriate to observe that consistency in policy implementation is essential to prevent disparity among similarly placed candidates. At the same time, the Government retains the authority to revise standards in light of evolving educational benchmarks or administrative requirements. However, to ensure transparency and fairness, any such revisions must be duly notified and publicly disseminated to preclude uncertainty or perceptions of arbitrariness. This observation is made in the larger public interest to ensure that future recruitment processes are conducted with uniformity, clarity, and predictability.

8. For the reasons discussed above, this petition was dismissed by our short order dated 15.10.2025, and these are the reasons in support thereof.

JUDGE

JUDGE

Ahmad