

*Order Sheet*

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P.No.D-148 OF 2012

**Before:**

*Justice Muhammad Saleem Jessar.*

*Justice Nisar Ahmed Bhanbhro.*

**Petitioner**

**Shaid Mehdood:** Through Mr. Ahsan Gul Dahri Advocate

**Respondents:**

**Province of Sindh** Through Mr. Rafique Ahmed Dahri

**& others** Assistant Advocate General, Sindh.

Date of hearing: 30.10.2025

Date of Decision: 30.10.2025

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**ORDER**

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**NISAR AHMED BHANBHRO, J:** Through instant petition, the petitioner claims the following reliefs:

*“a) Declare that the refusal by the respondents for Appointment and posting Order to the petitioner as Lab Attendant (BPS-03) is illegal, unlawful, unconstitutional and liable to be condemned*

*(b) Direct the respondent No.3 to fulfill his legal obligation as per law and policy and further direct him to issue Appointment and posting Order to the petitioner forthwith.*

*(C) Cost of the petition may be saddled upon the respondents.*

*(d) Any other relief(s) which this Honourable Court deems fit, just and proper may be awarded in favour of the petitioner."*

2. Learned counsel for the petitioner argued that petitioner was appointed as Lab Attendant BS-3 in the office of the then Executive District Officer Education Shaheed Benazirabad vide appointment letter dated 18.10.2008, but his appointment was not actualized on the ground that he possessed a matriculation certificate in 'Third Division'. He argued that the petitioner had passed the matriculation in '2<sup>nd</sup> Division' therefore, the ground of not issuing the appointment order to the petitioner was not tenable under the law. He prayed to allow the petition.

3. Learned A.A.G after perusing the reply filed by the Board of Intermediate & Secondary Education, Hyderabad has conceded to the fact that petitioner secured total 46.82 percentages and stood in 'second class'. He also conceded to the fact that the petitioner was declined the appointment order under a wrong premise. He formally opposed the petition.

4. Heard arguments and perused the record.

5. Admittedly, the petitioner qualified the recruitment process and he was issued offer letter for appointment which was not materialized on the ground that the petitioner had to his credit "3<sup>rd</sup> division" in Matric. This proposition was self-sustained and did not find support from the record. The District Education Officer Shaheed Benazirabad, in its reply to the petition reiterated the stance taken at the initial stage of the appointment process that the Petitioner was found ineligible due to his "3<sup>rd</sup> Division" in Matriculation. It is very unfortunate that the matriculation certificate of the petitioner was not verified by the department from Board during recruitment process.

6. This Court vide order dated 13.09.2022 directed Learned Additional Advocate General Sindh to place on record the notification with regard to the division of grades on the basis of marks issued by the Competent Authority. Time was granted on number of dates to produce the notification but to no avail. Ultimately learned Additional Advocate General wrote a letter dated 20.02.2025 to the Controller of Examination

BISE Hyderabad to confirm the “division” status of the Petitioner in matriculation examination.

7. In response to the letter written by AAG Office, the Controller Examination, Board of Intermediate & Secondary Education Hyderabad wrote letter No. BISE/SSC/SECRET/223 dated 28.02.2025 which was filed by the Learned Additional A.G. along with his statement. For the ease of reference the contents of letter are reproduced below:

**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION  
HYDERABAD SINDH**

**NO. BISE/SSC/SECRET/223** **dated 28.02.2025**

**To**  
**The Addl. Advocate General Sindh**  
**High Court Building**

**Subject: VERIFICATION OF SSC CERTIFICATE**

**Reference: Your Letter No AAD (HYD) 453 of 2025 dated 20.02.2025**

***“It is to inform you that the particulars of the candidate as required by you are checked and found correct which are as under:-***

<b>Sr. No.</b>	<b>Name</b>	<b>Father 's name</b>	<b>Surn ame</b>	<b>Seat No.</b>	<b>Yea r</b>	<b>Annu al/Su p:</b>	<b>Mark s Grad</b>	<b>Remarks</b>
<b>1.</b>	<b>Shahid Mehmoo d</b>	<b>Abdul Majee d</b>	<b>Razwa l</b>	<b>57130</b>	<b>1985</b>	<b>Annual</b>	<b>398/D</b>	<b>Checked &amp; Found correct</b>

***He secured 398 marks, which he got 46.82% and as per division formula he got 2<sup>nd</sup> division. The division formula of the Board as attached herewith.”***

**Sd/**  
**CONTROLLER OF EXAMINATIONS**

8. From the report furnished by the Board, it is crystal clear that petitioner had qualified matric exam in 2<sup>nd</sup> Division. Under the circumstances the denial of appointment order to the Petitioner did not find support of the law and was without any lawful authority. Had this verification process conducted during recruitment process, the petitioner would have got appointment order in time. The recruitment process is an internal mechanism of the administrative department. The recruitment process must demonstrate self-accountability and transparency, which in the case of petitioner was found missing for reasons best known to the Respondents.

9. To our dismay, this petition was instituted in the year 2012 and no serious efforts were taken to get it fixed in time so that the appropriate orders could have been passed. To underscore the importance of the doctrine of “justice delayed, justice denied” it is obligatory upon the counsel representing the litigant to remain vigilant in pursuing the case of his client. This petition remained on the file of the Court for a period of more than 13 years without any fault on the part of the petitioner. It is pertinent to mention here that the petitioner will attain the age of 60 years in year 2028 and will not be able to reap the benefits of the service for long or even would not be entitled for the service benefits on attaining the age of superannuation. The entire fault lies on the shoulders of education department which deprived the petitioner of his right to appointment within time, by dubbing his matriculation in 3<sup>rd</sup> Division and did not take pains to get opinion from the concerned Board. The Respondent department was saddled with a sacred responsibility to recruitment in service purely on merits. Petitioner was deprived the right to appointment under extraneous consideration and for the reason which was not available, thus actions on the part of the Respondents are not tenable under the law.

10. For the aforementioned discussion, We are of the considered view that the Petitioner has made out a case for indulgence of this Court to exercise its powers of judicial review conferred under article 199 of the Constitution of Islamic Republic of Pakistan, of 1973. Consequently; this petition is allowed. The respondents are directed to issue appointment letter to the petitioner for the post of Lab Attendant within a period of one month from today. we may observe that the petitioner’s entitlement in the

job accrues from year 2008 but we leave it for the department to decide this issue at their own.

Petition stands disposed of accordingly. Office to send copy of this order to the respondents by fax for compliance.

JUDGE

JUDGE

Ahmed/Pa,

*Approved for reporting*

*Hyderabad*

*30.10.2025*