

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
C.P No.D-82 of 2026
[Mst.Qurra-tul-Ain Ali Sheikh v. Province of Sindh and 03 others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
	1. For orders on M.A No.353/2026 (U/A)
	2. For orders on office objection (s)
	3. For orders on M.A No.354/2026 (Exemption)
	4. For orders on M.A No.355/2026 (Stay)
	5. For hearing of main case

29.01.2026

Mr.Zain-ul-Abidin Sahito, Advocate for the Petitioner

Through this petition filed under Article 199 of the Constitution, the petitioner has called into question the notification dated 09.01.2026 issued by the Secretary, College Education Department, which withdrew her earlier assignment of additional charge of Principal (BS-20) at Government Sachal Sarmast College, Nawabshah. Respondent No.4, an Associate Professor (BS-19), was allowed to work as Incharge Principal as a stopgap arrangement. The petitioner seeks the setting aside of the impugned notification and restoration of her earlier assignment.

2. The concise background emerging from the contents of the petition is that the petitioner, an Associate Professor (BS-19), was permitted vide notification dated 01.07.2024 to hold additional charge of Principal (BS-20) at Government Sachal Sarmast College, Nawabshah. She joined the assignment on 02.07.2024 and claims to have undertaken various administrative and developmental initiatives. She asserts that her assignment was made after a process initiated by a Search Committee constituted under the Rules of Business and that her performance, training and service record entitled her to continue. She contends that the impugned notification is arbitrary, contrary to the Secretary's own circulars dated 30.10.2024 and 07.01.2026, and amounts to a colourable exercise of authority. It is further averred that Respondent No. 4

lacks the requisite training and that the Secretary acted in disregard of the prescribed procedure.

3. Learned counsel for the petitioner argued that once the petitioner had been assigned the charge through a Search Committee process, the same could not be withdrawn without adopting an equivalent procedure. It is contended that the Secretary's own circulars required proposals to be routed through the Regional Director and Director General and that the impugned order violated the chain of approval. It was further urged that the petitioner was condemned unheard, that the order is non-speaking and that the Secretary acted with mala fide intent to favour Respondent No. 4. In support of his contentions, he placed reliance upon the judgment reported as **2023 SCMR 162** to argue that stopgap arrangements must conform to law and cannot be used to displace a duly selected incumbent.

4. We have heard learned counsel for the petitioner and examined the material available on record. We find that the petitioner's entire case rests upon the premise that her assignment of an additional charge of Principal (BS-20) conferred upon her a vested right to continue and that such assignment could not be withdrawn except through the same mechanism by which it was granted. This premise is fundamentally misconceived. The notification dated 01.07.2024 (available on Page-43), on its plain terms, merely "allowed additional charge" to the petitioner in addition to her substantive duties as Associate Professor (BS-19). It did not constitute a substantive appointment, nor did it create any tenure-protected right. The consistent view adopted by the superior courts, including the judgment¹ relied upon by the counsel for the petitioner itself unequivocally holds that acting, look-after, current charge, or stopgap arrangements do not vest any enforceable right in the incumbent and may be withdrawn at any time by the competent authority without assigning reasons. The distinction between a substantive appointment made through a

¹ Jawad Ahmad Mir v. Prof. Dr Imtiaz Ali Khan, Vice Chancellor, University of Swabi, District Swabi, Khyber Pakhtunkhwa, and others (2023 SCMR 162)

statutory process and a temporary administrative arrangement is well-settled and admits of no ambiguity.

5. The contention that the petitioner's assignment was made "through a Search Committee" does not alter the legal character of the assignment. Even if the Search Committee had recommended candidates for additional charge, the resulting assignment would still have been an administrative arrangement lacking statutory protection. The Rules of Business do not elevate such temporary arrangements to the status of substantive appointments. The petitioner's reliance on her performance, training or administrative initiatives, however commendable, cannot convert an additional charge into a vested right.

6. The argument that the Secretary violated his own circulars is equally untenable. The circulars dated 30.10.2024 and 07.01.2026 were intended to curb unauthorised assignments made by Regional Directors and the Director General. They expressly required that such assignments be made only by the Department. The impugned notification was issued by the Secretary himself, who is the competent authority. The circulars do not restrict the Secretary's power; rather, they reinforce it. No statutory rule has been shown that bars the Secretary from issuing a stopgap posting or from withdrawing an earlier additional charge.

7. The plea of mala fide has been raised in general terms without any specific material. Allegations of favouritism or colourable exercise of authority must be supported by concrete particulars, which are conspicuously absent. Mere dissatisfaction with an administrative decision or preference for another officer does not constitute mala fide. The petitioner continues to hold her substantive post and has suffered no penal consequence. Withdrawal of an additional charge does not attract the right to be heard, nor does it amount to deprivation of life, liberty, dignity or equality in the constitutional sense.

8. The scope of judicial review under Article 199 is confined to examining whether the impugned action is without lawful authority, in excess of jurisdiction, or in violation of mandatory statutory provisions. Administrative postings and assignments, particularly those of a stopgap nature, fall within

the domain of the executive and are not ordinarily interfered with unless shown to be patently illegal or actuated by proven mala fide. The petitioner has failed to demonstrate any such infirmity. The Secretary was competent to issue the impugned notification; no statutory rule has been violated, and no vested right of the petitioner has been infringed.

9. In view of the foregoing discussion, the petition is devoid of merit, accordingly same is **dismissed** in *limine* along with the listed applications.

JUDGE

JUDGE

AHSAN K. ABRO