

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

*Constitutional Petition No.D-1546 of 2024
(Ghulam Murtaza Shar v. Province of Sindh and others.)*

Before:-

*Mr. Justice Amjad Ali Bohio,
Mr. Justice Ali Haider "Ada"*

1. For orders on office objections.
2. For hearing of main case.

Petitioner : Ghulam Murtaza Shar.
Present in person

Respondents : through Mr. Shahrayar Awan,
Assistant Advocate General Sindh.

Date of Hearing : 25.02.2026

Date of Decision : 25.02.2026

ORDER

Ali Haider "Ada" J. Through this petition, the petitioner has raised two-fold grievances. Firstly, he seeks a declaration that he was not appointed by the respondents to the post of Director Physical Education, despite having applied for the said post, appearing in the written test, and awaiting the result thereof. According to him, while he was awaiting the result, the vacancies were filled by the respondents. Secondly, the petitioner has alleged that several candidates were appointed through illegal means and without following the prescribed procedure. On this premise, he has sought the issuance of a writ in the nature of *quo warranto* against those appointees.

2. The respondents, in their comments, have clarified that the petitioner secured 27 marks out of 100 in the written test and, therefore, failed to qualify. It is further stated that the result was duly announced within time, and the petitioner has not controverted the same. With regard to the allegation of illegal appointments, the respondents have asserted that the recruitment process was conducted strictly in accordance with the prescribed rules and procedure, after observing all legal formalities.

3. The petitioner, appearing in person, contended that he is duly qualified for the post and that there was no transparent or lawful criteria for filling the vacancies. He further argued that the candidates appointed by the respondents do not possess the requisite qualifications and that their appointments are contrary to the advertised criteria, thereby aggrieving him.

4. Heard the petitioner in person and the learned counsel for the respondents. Perused the record.

5. As regards the first phase of the petition, it has been established on record that the petitioner was declared failed in the written test, having secured 27 marks out of 100, which were below the qualifying criteria. The respondents have placed on record the positions of vacant posts, minutes of the relevant meetings, the general notification issued to all concerned regarding eligible candidates, and the complete result list. Thus, the contention of the petitioner that the result was not announced stands rebutted. To that extent, the grievance of the petitioner has already been addressed by the production of the relevant record.

6. With respect to the second phase, whereby the petitioner has challenged the validity of the appointments and sought issuance of a writ like *quo warranto*, it is settled law that such a writ is not issued as a matter of course. The jurisdiction is discretionary in nature and must be exercised cautiously, keeping in view the facts and circumstances of each case. The foremost obligation of the Court, while examining a petition for *quo warranto*, is to inquire into the conduct and motive of the relator. Although a writ of *quo warranto* can be instituted even by a person who does not strictly fall within the definition of an "aggrieved person," and a whistleblower may approach the Court to question the legality of an appointment to a public office, the petitioner must nevertheless demonstrate bona fides and place sufficient material on record to prima facie establish that the appointment is contrary to law. In this regard, reliance is placed upon the judgment of the Hon'ble Supreme Court of Pakistan in **JAWAD AHMAD MIR v. Prof. Dr. IMTIAZ ALI KHAN, 2023 SCMR 162**, wherein the scope and maintainability of a writ of *quo warranto* were elaborately discussed, and it was held that the Court must be satisfied

about the bona fide of the petitioner and the legality of the impugned appointment before exercising such extraordinary jurisdiction.

7. In the present case, the petitioner has failed to substantiate his allegations with cogent material showing that the appointments were made in violation of the prescribed statutory rules or that the appointees lack the requisite qualifications. Mere bald assertions are insufficient to invoke the constitutional jurisdiction of this Court for the issuance of a writ of *quo warranto*.

8. In view of the foregoing reasons, the instant petition is hereby dismissed, with no order as to costs.

JUDGE

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