

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Before:

Justice Arbab Ali Hakro

Justice Muhammad Hasan (Akber)

C.P No.D-1012 of 2025

[Abdul Sattar and 07 others v. Province of Sindh and 02 others]

Petitioners by : Mr.Sandeep Kumar Maheshwar advocate

Respondents 5 by : Mr. Ayaz Ali Rajper, Assistant A.G Sindh

Date of Hearing : **04.03.2026**

Date of Decision : **04.03.2026**

ORDER

ARBAB ALI HAKRO J:- Through this petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioners seek enforcement of their claimed right to appointment on the strength of offer letters issued to them for the posts of Naib Qasid and Chowkidar (BPS-01). The prayer clauses, inter alia, seek a declaration that the respondents' failure to issue posting orders is unlawful; a direction to issue appointment and posting orders in terms of the offer letters dated 04.08.2023; and a direction to issue Personal IDs for the release of salaries.

2. The brief facts, as borne out from the record, are that the Government of Sindh, through the Human Settlement Authority (formerly Sindh Katchi Abadis Authority), advertised various non-technical posts in BPS-01 to BPS-04 and invited walk-in interviews. The petitioners appeared before the Departmental Selection Committees, submitted their documents and were declared successful. This is evident from the interview call letters issued to each petitioner, requiring them to appear before the Committee and bring original documents for scrutiny. Thereafter, offer letters dated 04.08.2023 were issued to the petitioners, stating that you are hereby offered a post of Naib Qasid and Chowkidar (BPS-01) and requiring medical fitness certification within 15 days of joining duty.

3. Learned counsel for the petitioners contends that once the competent authority issued offer letters, the respondents were under a legal obligation to complete the remaining formalities and issue posting orders. He submits that the petitioners presented themselves before the Civil Surgeon for medical fitness, but certificates were withheld on the ground that appointments in various departments had been stayed by orders passed at the Principal Seat. He further submits that the petitioners repeatedly approached the respondents, but no action was taken. Learned counsel places reliance on orders dated 18.09.2024 and 19.09.2024 passed in C.Ps. D-1435/2023 and D-983/2024, wherein similarly placed candidates were granted relief. He argues that the subsequent Minutes of the Provincial Cabinet Meeting dated 01.12.2025 have lifted the ban on appointments in BPS- 01 to BPS- 04 and extended the validity of Departmental Selection Committee minutes till 30.06.2026, thereby removing any impediment to the petitioners' appointments. The Cabinet decision expressly states that the ban on the appointments against the posts in BPS- 01 to BPS- 04 stands lifted and Offer letters may be issued, where a complete and verified record is available.”

4. Learned A.A.G submits that the respondents will act strictly in line with the Cabinet Decision dated 01.12.2025 and that the record is presently under verification.

5. We have heard learned counsel for the Petitioners, learned A.A.G and examined the material available on record.

6. The record demonstrates that the petitioners were duly interviewed, their documents scrutinized, and the Departmental Selection Committee recommended them. The offer letters issued on 04.8.2023 are unequivocal in their terms. They do not merely express an intention to appoint; rather, they constitute a formal offer of appointment subject to completion of codal formalities, including medical fitness and verification of documents. The

petitioners' attempts to obtain medical fitness certificates were obstructed, not due to any deficiency on their part, but because of a general stay order affecting appointments across various departments.

7. The subsequent development, that is, the Provincial Cabinet's decision dated 01.12.2025, has a direct bearing on the matter. The Cabinet has lifted the ban on appointments in BPS-01 to BPS-04 and extended the validity of DSC minutes until 30.06.2026. It has further directed that offer letters may be issued where complete and verified records exist. The respondents have not disputed that the petitioners' offer letters were issued in accordance with due process, nor have they alleged any irregularity in the selection process. The Cabinet decision thus removes any administrative or policy-based impediment to the petitioners' appointments.

8. The question before this Court is whether, in the circumstances, a mandamus may issue directing the respondents to complete the appointment process. It is settled law that where a public authority has exercised its discretion by selecting a candidate and issuing an offer letter, it cannot thereafter act arbitrarily or discriminatorily to withhold the consequential steps without lawful justification. The petitioners do not seek enforcement of a mere expectation; they seek enforcement of a process already initiated and substantially completed by the respondents themselves. The respondents have not pointed to any legal bar, irregularity, or disqualification attributable to the petitioners. The only impediment was the general stay order, which no longer survives in view of the Cabinet decision.

9. The jurisdiction of this Court under Article 199 is attracted where an authority acts without lawful justification or fails to act where the law requires action. The respondents' inaction, despite the issuance of offer letters and the completion of selection formalities, constitutes failure to exercise the jurisdiction vested in them.

10. In these circumstances and particularly in view of the Cabinet's explicit directive that the ban stands lifted and that offer letters may be issued where the record is complete, the respondents cannot withhold the petitioners' appointments without demonstrating a lawful basis, which they have failed to do.

11. Accordingly, this petition is **allowed**. The respondents are directed to process the petitioners' appointments strictly in accordance with law, complete all remaining codal formalities, including medical fitness and verification of documents, and, subject to the fulfillment of such formalities, issue posting orders to the petitioners in terms of the offer letters dated 04.08.2023. The entire exercise shall be completed within sixty (60) days from the date of this order. Nothing in this order shall be construed as dispensing with any statutory requirement or verification mandated under the applicable recruitment rules.

JUDGE

JUDGE

Sajjad Ali Jessar