

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-2232 of 2025
(*Mst. Sadaf Perveen versus Province of Sindh & others*)

Date	Order with signature of Judge
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order: 30.3.2026

Mr. Aftab Alam advocate for the petitioner
Mr. Ali Safdar Depar Assistant Advocate General

ORDER

Adnan-ul-Karim Memon, J. Petitioner has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- a. To issue direction to the respondent No.2 to re-constitute the Committee to conduct the interview to the above named petitioner or other remaining candidate for the post of Secondary School Teacher-SST Basic Scale of (BPS-16) Science Category Karachi Region Female to provide justice and equity as per assurance of Government of Sindh;
- b. To issue direction to the Respondents to suspend the further proceeding from issuing the appointment letter to the candidate who have less merit with the petitioner for the post of Secondary School Teacher-SST Basic Scale of (BPS-16) Science Category Karachi Region Female till the disposal of the above petition;
- c. To pass any order as per circumstances of the case which deem fit and proper to provide justice to the above named petitioner.

2. Learned counsel for the Petitioner submits that the Petitioner has been serving in the field of education for the last ten years on a personal and private basis. He argued that the Petitioner is highly qualified, holding Double Master's Degrees, along with Matriculation, Intermediate and B.Sc. degrees from recognized institutions. Counsel submits that the School Education & Literacy Department, Government of Sindh (Respondent No.1), through Respondent No.2, invited applications for the post of Secondary School Teacher (SST) BPS-16 (Science Category, Karachi Region Female) via public notice dated 11-11-2022. The Petitioner, being fully eligible, applied online and submitted all required documents. It is further submitted that the Petitioner was declared eligible and was issued an admission slip for the pre-interview written test. Initially, the test scheduled for 21-02-2024 was postponed, and later the test was conducted on 05-05-2024 at NED University, Karachi. He added that the Petitioner appeared in the written test and successfully qualified. However, the result was announced vide Press Release dated 14-10-2024, and the Petitioner was directed to wait for an interview call. Counsel submits that the Petitioner did not receive any interview call, SMS, email, or postal intimation. However, upon personally visiting the

office of Respondent No.2 on 08-04-2025, the Petitioner came to know that interviews had already been conducted in January 2025, and her interview was scheduled on 29-01-2025, but no intimation was ever communicated to her. He submitted that due to non-communication by the Respondents, the Petitioner could not appear in the interview. The Petitioner immediately submitted a written application requesting that her interview be conducted on a later date, as the Respondent department has the authority to conduct interviews on another date, but no response has been received to date. Learned counsel contends that the act of the Respondents in not informing the Petitioner about the interview schedule amounts to malafide, discrimination, and violation of the Petitioner's fundamental rights, particularly Article 25 of the Constitution of the Islamic Republic of Pakistan, 1973. He argued that The Petitioner has been deprived of the appointment on merits basis. When confronted the procedure of Appeal under the Rules, he submitted that the Petitioner has no other adequate or efficacious remedy available except to invoke the constitutional jurisdiction of this Court under Article 199 of the Constitution. Learned counsel for the petitioner in support of his contention has relied upon the cases of Asad Abbas v Government of Punjab & others **2024 PLC (C.S) 142**, Ms. Firdos Noor Malik v Province of Sindh & others **2025 PLC (C,S) 42** and Ayaz & others v Mustafa Saeed and others **2025 SCMR 216**. And prayed to allow this petition.

3. The learned Assistant Advocate General, appearing on behalf of the Respondents, has opposed the instant petition without filling the comments and submits that the petition is not maintainable under Article 199 of the Constitution as the Petitioner has an alternate and adequate remedy available under the relevant Service Rules/Recruitment Rules, which she has not exhausted. He submits that the recruitment process for the post of Secondary School Teacher (SST) BPS-16 was conducted strictly in accordance with the rules and prescribed procedure, and the interviews were conducted as per the scheduled program by the Selection Committee. The schedule of interviews was issued and uploaded on the official website of Respondent No.2, and it was the responsibility of the candidates to remain in touch with the official website and recruitment cell regarding updates in the recruitment process. Learned AAG further submits that the Petitioner failed to appear on the scheduled date of interview, i.e., 29-01-2025, and therefore, she was treated as absent, and the Selection Committee proceeded in accordance with the rules to finalize the selection process. He contends that no malafide can be attributed to the Respondents, as the entire recruitment process was conducted transparently and on merit. He further argued that merely because the Petitioner claims that she did not receive SMS or email intimation does not invalidate the recruitment process, particularly when the interview schedule was publicly available and other candidates appeared for interviews on their scheduled dates.

Learned AAG also submits that after completion of the recruitment process and finalization of the selection list, the same cannot be reopened for an individual candidate, as it would disturb the entire selection process and prejudice the rights of the selected candidates who are not parties before this Court. He contends that the Petitioner has approached this Court after considerable delay and laches, as the interviews were conducted in January 2025, whereas the Petitioner approached the Respondents in April 2025 and thereafter filed the present petition, therefore, the petition is also liable to be dismissed on the ground of delay and laches. Learned AAG distinguishes the case law relied upon by the Petitioner and submits that the same are not applicable to the facts of the present case, as in the present matter, the Petitioner was duly scheduled for interview but failed to appear on the given date. In conclusion, learned AAG prays that the instant petition is misconceived, without merit, and the same may be dismissed.

4. We have heard the learned counsel for the parties and perused the record with their assistance and case law cited at the bar.

5. It appears from the record that the Petitioner had duly applied for the post, appeared in the written test, and successfully qualified the same. The only stage left in the recruitment process was the interview.

6. The case of the Petitioner is that she was never informed about the interview date, whereas the Respondents contend that the interview schedule was uploaded on the website and it was the responsibility of the candidates to keep themselves updated.

7. Admittedly, the Petitioner was declared successful in the written examination and her name was included in the list of candidates eligible for interview. The Respondents have not placed on record any material to show that any specific intimation through SMS, email, or call letter was sent to the Petitioner regarding the date of interview.

8. In matters of public employment, where valuable rights of candidates are involved, the department is under a duty to ensure proper and effective communication to shortlisted candidates for interview. Mere uploading of schedule on the website, without ensuring that shortlisted candidates are properly informed, is not sufficient, particularly when the department had previously issued admission slips and test information directly to candidates through SMS/email.

9. The contention of the learned AAG regarding alternate remedy is not tenable in the facts of the present case, because where a candidate is deprived of a fair opportunity due to the act or omission of the department, the matter falls

within the ambit of enforcement of fundamental rights, particularly the right of fair treatment and equality as envisaged under Article 25 of the Constitution, and constitutional jurisdiction can be invoked.

10. The objection of delay and laches is also not sustainable, as the record shows that immediately after coming to know about the interview having been conducted, the Petitioner approached the Respondents and submitted a written application for rescheduling of interview, which was not decided. Therefore, the Petitioner cannot be penalized for the inaction of the department.

11. The case law relied upon by the learned counsel for the Petitioner, including Asad Abbas v. Government of Punjab (2024 PLC (C.S) 142), Ms. Firdos Noor Malik v. Province of Sindh (2025 PLC (C.S) 42) and Ayaz & others v. Mustafa Saeed (2025 SCMR 216) lays down the principle that where a candidate is deprived of an opportunity of interview due to fault on the part of the department and not due to any fault of the candidate, the candidate should be provided a fair opportunity, and a limited direction for conducting interview does not amount to reopening the entire recruitment process but rather ensures transparency and fairness in the process.

12. In the present case, the Petitioner had qualified the written test and was eligible for interview, and her non-appearance was not willful but appears to be due to non-communication by the Respondents. Denial of interview in such circumstances amounts to denial of fair opportunity and infringes the principle of fair competition in public employment.

13. Therefore, in the interest of justice and fair play, this petition is disposed of with the direction to Respondent No.2 to constitute a committee and conduct the interview of the Petitioner within a stipulated period, and thereafter, if the Petitioner qualifies the interview on merit, her case shall be considered for appointment strictly in accordance with law and merit. However, this order shall not affect the appointments already made, if any, and the Petitioner shall only be considered against an available vacancy, if she qualifies on merit.

14. The petition along with pending application(s) is disposed of in the above terms.

JUDGE

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