

IN THE HIGH COURT OF SINDH, KARACHI

CP No.S-6291 of 2025

(Amir v. Province of Sindh and 10 others)

Before:

Justice Muhammad Saleem Jessar

Justice Nisar Ahmed Bhanbhro

Petitioner : *Amir* in person

Respondents : Nemo.

Date of hearing and order : 31.12.2025

Date of reasons: 02.01.2026

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ORDER

Nisar Ahmed Bhanbhro, J. Through this petition, the petitioner has sought indulgence of this Court to issue of a writ in the nature of quo warranto against the appointment of respondents No. 5 to 11 as Assistant Engineers in School Education & Literacy Department on the ground that the said appointments have been made in blatant violation of the advertised eligibility criteria, the applicable recruitment rules notified under Rule 3(2) of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, as well as Section 2(1)(xxii) of the Pakistan Engineering Council Act, 1976.

2. Petitioner who is present in person contended that respondents No. 5 to 11 are unlawfully holding and occupying the public posts of Assistant Engineer (Civil) (BS-17) in the Education Works wing of School Education & Literacy Department, Government of Sindh. He contended that the appointments of the said respondents to the said posts have been impugned in the present proceedings through a writ of quo warranto, not for any ulterior purpose, but solely to uphold the rule of law and to ensure adherence to the principles of good governance, equity, and fair play. It is further submitted that Sindh Public Service Commission (SPSC) /respondent No. 4, pursuant to requisition No. SO(EW)/06-07/SELD/2018/9200 issued by School Education & Literacy Department Government of Sindh /respondent No. 2 and in accordance with the prescribed recruitment rules notified on 16-02-2021, issued Consolidated Advertisement No. 06/2022

dated 28-10-2022, inviting applications for appointment against the said posts; that the eligibility criteria set forth in the said advertisement, inter alia, required a qualification of B.E. in the relevant discipline at least in 2nd Division from a recognized university, coupled with registration as a Professional Engineer with the Pakistan Engineering Council as on the closing date. He further argued that respondent No. 2, acting upon the recommendations of respondent No. 4, proceeded to appoint respondents No. 5 to 11 as Assistant Engineers (Civil) (BS-17) in the Education Works, School Education & Literacy Department, Government of Sindh. However, to the utter shock and dismay of the petitioner, the said respondents did not possess the requisite qualification of Professional Engineers, thereby rendering their appointments ex-facie illegal and in flagrant violation of the advertised eligibility criteria as well as the prescribed recruitment rules. On these premises, the petitioner prays that the instant petition be allowed and appointment of Respondents No 5 to 11 be set at naught.

3. Heard arguments and perused the material made available before us on record.
4. Scanning of the material available on record revealed that the Sindh Public Service Commission (`SPSC`) through advertisement No.06/2022 dated 28.10.2022 invited application for recruitment to the post of Assitsant Engineers in Education Works, School Education and Literacy Department (available at Page-73 of the Court’s file), wherein qualification for the post of Assistant Engineer is mentioned as follows:



**SINDH PUBLIC SERVICE COMMISSION,
THANDI SARAK, HYDERABAD**

CONSOLIDATED ADVERTISEMENT NO.06/2022 DATED: 28.10.2022

ONLINE APPLICATIONS ARE INVITED FOR VARIOUS POSTS IN DIFFERENT DEPARTMENTS, GOVERNMENT OF SINDH.

DON'T WAIT FOR THE LAST DATE, APPLY ONLINE TODAY!

(MANUAL APPLICATIONS SHALL NOT BE ENTERTAINED)

S. NO.	NAME OF POST WITH BASIC SCALE	QUALIFICATION AS PER RECRUITMENT RULES	NO. OF POSTS	QUOTA	AGE LIMIT
A. EDUCATION WORKS, SCHOOL EDUCATION & LITERACY DEPARTMENT					
01	Assistant Engineer (Civil) BPS-17	i. B.E in the relevant subject atleast in 2 nd Division from a recognized University. ii. Registered as professional Engineer with Pakistan Engineering Council by the closing date.	08	R Open Merit (Female Quota) U 04 01 T 03 07 01	21-30
B. IRRIGATION DEPARTMENT					
02	Assistant Executive Engineer (Civil) BPS-17	i. B.E in the relevant subject atleast in 2 nd Division from a recognized University. ii. Registered as professional Engineer with Pakistan Engineering Council by the closing date.	26	R Open Merit (Differently Abled Person Quota) (Minority Quota) (Female Quota) U 12 08 01 01 02 T 20 01 01 04	21-30
03	Assistant Executive Engineer (Mechanical) BPS-17	i. B.E in the relevant subject atleast in 2 nd Division from a recognized University. ii. Registered as professional Engineer with Pakistan Engineering Council by the closing date.	03	R Open Merit U 02 01 T 03	21-30

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5. From perusal of the advertisement, the required qualification for appointment to the post of Assistant Engineer was a degree of Bachelor in Engineering at least in 2nd division from a recognized University, and registered as a Professional Engineer with Pakistan Engineering Council (PEC) by the closing date.

6. The petitioner's concern is that the respondents No.6 to 11 possessed a Bachelor's degree in the relevant field, but they were registered as registered engineers but not as Professional Engineers with PEC as such, they were not qualified to be appointed as Assistant Engineers, to substantiate his claim, the petitioner has annexed the verification status of the respondents No 5 to 11 (available at pages 77 to 89 of the Court's file) wherein they are shown as registered engineers only.

7. Section 17 of the Pakistan Engineering Council Act, 1975, (PEC Act) provides for the registration of engineers, wherein an engineer is required to move an application to the Registrar for registration, which the respondents No 5 to 11 and their names were incorporated in the PEC register as Registered Engineers.

8. Section 2(xxiii) of the PEC Act, defines the Professional Engineer as follows:

*"2. (xxiii) **"professional engineer"** means a person who holds an accredited engineering qualification and after obtaining a professional experience of five years, whether working privately or in the employment of an engineering public organization, has passed the prescribed engineering practice examination and is registered as such by the Council;"*

9. The Act places a distinction between a Professional Engineer and a Registered Engineer through Section 2 (xxvii), by defining the Registered Engineer in the following manner:

*"2 (xxvii) **"registered engineer"** means a person who holds an accredited engineering qualification, whether working privately or in the employment of an engineering public organization and is registered as such by the Council. Registered Engineer shall perform all professional engineering works except independently signing design;"*

10. The above provisions of law, if placed in juxtaposition make it crystal clear that the only difference in between a Registered Engineer and Professional Engineer is that the former cannot independently sign the design of any engineering project. An Engineer gets certificate of professional engineer after gaining the professional experience of 05 years and on passing the prescribed engineer examination to be conducted by PEC.

11. From perusal of the material placed on record, it appears that the respondents Adeel Ahmed Khan and Khalid Sami had obtained engineering degrees in the year 2016 and the rest of the respondents had obtained degrees either in the year 2017 or onwards. On the closing date, for the submission of applications, the respondents had not completed the required period of 05 years in the engineering work; therefore, their registration as Professional Engineers was not possible within the limb of definition of a Professional Engineer codified under PEC Act.

12. From the definition of Professional Engineer and a Registered Engineer envisaged under PEC Act, it is quite evident that both categories of Engineers were allowed to perform Professional Engineering work defined in Section 2(xxv), of PEC Act, which reads as under:

“2.(xxv) “professional engineering work” means the giving of professional advice and opinions, the making of measurements and layouts, the preparation of reports, computations, designs, drawings, plans and specifications and the construction, inspection and supervision of engineering works, in respect of –

(a) railways, aerodromes, bridges, tunnels and metalled roads;

(b) dams, canals, harbours, light houses;

(c) works of an electrical, mechanical, hydraulic, communication, aeronautical power engineering, geological or mining character;

(d) waterworks, sewers, filtration, purification and incinerator works;

(e) residential and non-residential buildings, including foundations framework and electrical and mechanical systems thereof;

(f) structures accessory to engineering works and intended to house them;

(g) imparting or promotion of engineering education, training and planning, designing, development construction, commissioning, operation, maintenance and management of engineering works in respect of computer engineering, environmental engineering, chemical engineering, structural engineering, industrial engineering, production engineering, marine engineering and naval architecture, petroleum and gas engineering, metallurgical engineering, agricultural engineering, telecommunication engineering, avionics and space engineering, transportation engineering, air-conditioning ventilation, cold storage works, system engineering, electronics, radio and television engineering, civil engineering, electrical engineering, mechanical engineering and biomedical engineering etc;

(h) organizing, managing and conducting the teaching and training in engineering universities, colleges, institutions, Government colleges of technology, polytechnic institutions and technical training institutions;

(i) preparing standard bidding or contract documents, construction cost data, conciliation and arbitration procedures; guidelines for bid evaluation, pre-qualification and price adjustments for construction and consultancy contracts; and

(j) any other work which the Council may, by notification in the official Gazette, declare to be an engineering work for the purposes of this Act;

13. Since both the categories of the engineers were competent to engage into professional work, they can equally seek a job involving professional engineering work. The issue of professional engineering work was discussed by the Hon'ble Supreme Court of Pakistan in the case of Maula Bux Shaikh and others v. Chief Minister Sindh and others reported as **2018 SCMR 2098** wherein it was observed that the engineers having a degree in engineering recognized as a professional degree were entitled to do the professional engineering work. In the said judgment, the Hon'ble Supreme Court of Pakistan, however, observed that the appointment in civil service was the domain of the Government under the provisions of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, as such, their appointment and promotion were not falling under the domain of the Pakistan Engineering Council Act, to say that a particular academic qualification can be equated with another academic qualification and Pakistan Engineering Council has no power to place any restriction on promotion of any civil servant to next higher grade. For the sake of convenience, Para No 20 of Maula Bux's case is reproduced as under:

"20. Further, the main principle that is deductible from the above judgments of this Court is that it is the domain of the Government to decide whether a particular academic qualification of a civil servant/ employee is sufficient for promotion from one grade to another higher grade and whereas it is in the domain of the Pakistan Engineering Council to decide whether a particular academic qualification can be equated with another academic qualification but it has no power to say that the civil servants /employees holding particular academic qualification cannot be promoted from a particular grade to a higher grade. Thus; on the basis of above pronouncements of this Court, it is clear that the notification dated 19.03.2014 cannot be validly or justifiably challenged on the ground that it impinges or infringes upon any of the provisions of PEC Act, 1976 and thus would be ultra vires. No such finding can justifiably be recorded in that as it has been laid down quite empathetically that the government exercises its own power under the domain of law with regard to promotion of civil servants/employees under Sindh Civil Servants Act, 1973 and Rules made thereunder while PEC Act does not overreach or put an embargo upon the government in the matter

of prescribing of qualification and other conditions of service of civil servants/employees for their-promotion to higher grade. Yet again, we note that although the vires of notification dated 19.03.2014 has been challenged but we observe that this very notification has been issued under sub-rule (2) of Rule 3 of Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, which rules have been made under section 26 of Sindh Civil Servants Act, 1973. Neither rule 3(2) of said rules nor section 26 of the Act, 1973 have been challenged nor their vires called in question before us. Thus; from this also it is quite apparent that the petitioner does not challenge the government power for prescribing qualification and conditions of service of civil servants/employees for their promotion to higher grade. In any case, we note that the provisions of PEC Act nor the rules and regulations made under it will operate as bar on government to prescribe for qualification and other conditions of service of civil servants/employees for promotion to higher grade."

14. The appointment, promotion and transfers were the internal affairs of the administrative department, and it is within their domain to prescribe the method, criteria and qualification for appointment or by way of promotion or through initial appointment. The Sindh Civil Servants Act, 1973 and the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, (APT Rules) are governing legislation relating to the appointment, promotion and transfer. Rule 3 of the APT Rules empowers the administrative department to determine the method of appointment, either by initial appointment or by promotion, in consultation with the Services and General Administration Department, Government of Sindh. Such powers are general in nature and not fettered to any condition prescribing the manner in which the method, qualification for appointment are to be determined.

15. As discussed supra, the appointments, promotions, and transfers are internal affairs of the administrative department, and it is within their prerogative and dominion to prescribe methods, criteria and qualification for appointment by way of promotion or through initial appointment. It is for the department to determine the eligibility criteria for a particular post, as the concerned department knows about the work intended to be done by the incumbent officer. The delegation of powers for subordinate legislation strengthen the Institutional Autonomy, and respect for such autonomy is the

cornerstone and spirit of constitutional governance, which must be maintained by all organs, including the courts. The administrative department in consultation with the Services and General Administration Department laid down the methods, criteria and qualification for appointment to the post of Assistant Engineer through notification dated 16.02.2021 which reads as follows:



GOVERNMENT OF SINDH

SCHOOL EDUCATION & LITERACY DEPARTMENT

NOTIFICATION

No. SO(EW)06-21/SE&LD/2016: In pursuance of sub rule (2) of rule 3 of the Sindh civil Servants (Appointment Promotion & Transfer) Rules, 1974 & in supersession of this department's notification No. SO(E-V)9-112/92 dated 07-05-2001 & in consultation with the Services, General Administration & Coordination Department, Government of Sindh, the method, qualification and other condition for selection/promotion in respect of the post of Assistant Engineer (BS-17) Education Works, Schools Education & Literacy Department, mentioned in column-2 of the table below shall be as laid down in columns 3, 4 & 5 thereof:-

Sr.No.	Name of Post and BPS	Method of promotion	Qualification & experience	Age Limit Min-Max
1.	2.	3.	4.	5
	Assistant Engineer (BS-17)	<div>i) 43% by initial appointment through Competitive Examination conducted by the Sindh Public Service Commission (SPSC) in accordance with the syllabus prescribed by the Government.</div> <div>ii) 30% by promotion from amongst Sub Engineers/Supervisors possessing degree in Civil/Electrical Engineering having minimum of five years service as such, on seniority cum fitness basis.</div> <div>iii) 10% by promotion from amongst the Sub-Engineers possessing a degree of B.Tech (Hons) having minimum of ten years service as such, on seniority cum fitness basis.</div> <div>iv) 17% by promotion from amongst the Sub-Engineers possessing (03) three years Diploma of Associate Engineer (DAE) (Civil/Electrical) from an institute recognized by Sindh Board of Technical Education (SBTE) having minimum of 10 years service as such, on seniority cum fitness basis.</div>	<div>i) B.E (Civil/Electrical) with atleast in 2nd Division from a HEC recognized University.</div> <div>ii) Registration as Professional Engineering with Pakistan Engineering Council.</div> <div>---</div> <div>---</div> <div>---</div>	<div>21-30 years</div> <div>---</div> <div>---</div> <div>---</div>

No. SO(EW)06-21/SE&LD/20



(AHMED BAKHSH NAREJO)

SECRETARY TO GOVT. OF SINDH

Karachi dated the 16th February, 2021

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16. From the perusal of the above notification dated 16.02.2021, it transpires that there was no requirement of registration as a Professional Engineer, but the degree should be registered as the Professional Engineering, which respondents accordingly held as per certificates placed on record by the petitioner which are downloaded from the website of Pakistan Engineering Council.
17. The petitioner has sought indulgence of this Court to issue a writ in the nature of quo warranto on the ground that the respondents were not Professional Engineers. When confronted as to the bonafide of filing of this petition, the petitioner candidly conceded that he was a student of law and was actively pursuing the rights of the people and being a citizen of the province of Sindh it was his fundamental right to have good governance. A writ of quo warranto is maintained to settle the legality of holder of a statutory or commercial office and to decide whether he was holding such

public office in accordance with the law or against the law. When confronted about the illegality in the appointment of the respondents, the petitioner demonstrated that the respondents were not registered as Professional Engineers with the Pakistan Engineering Council. No doubt, in the advertisement dated 28.10.2022, it is mentioned that an aspirant/ candidate should be registered as Professional Engineer with the Pakistan Engineering Council but in the Recruitment Rules dated 16th February 2021, the qualification, experience, and method of appointment have been prescribed as professional engineering, and SPSC had no authority under the law to change said rules. Even otherwise under the law there was no difference in between a Professional Engineer and Registered Engineer, as such appointment of an Engineer who is enrolled as Registered Engineer with PEC cannot be declared illegal on the ground that he lacked requisite qualification.

18. To lay the claim for issuance of writ of quo warranto, the petitioner has to satisfy the Court, inter alia, that the office in question is a public office and it is held by usurper without lawful authority and the petitioner is not having any special kind of interest against the alleged usurper and he being a member of the public was acting under bonafide. Once this junction is crossed by the petitioner, then the Court will proceed further to make an inquiry as to whether the appointment of the alleged usurper has been made in accordance with the law or not.

19. It appears from the record that the petitioner is permanent resident of Balochistan and he is residing in Karachi in pursuit of his education in the field of law. It further transpires from the record that the petitioner has filed a similar petition bearing CP No.D-4416/2025 against the appointments made in the Agriculture Department and another petition bearing CP No.D-5493/2025 against the appointment in the Sports and Youth Affairs Department on similar grounds as agitated in the present petition. The frequent filing of the petitions against appointments demonstrated the interest of the relator that he intended to pressurize the appointees for his personal interest, as has been usually complained by the members of society against the legal fraternity. The frequent filing of the petitions by the petitioner aimed nothing but to harass the fresh appointees, this act of the Petitioner tantamount to stain the noble profession of law, coupled with the fact that the petitioner being a permanent resident of the Province of

Balochistan has failed to demonstrate his bonafide for filing of writ petitions for the enforcement of good governance in the Province of Sindh.

20. The view rendered above finds support from the judgment of Hon'ble Supreme Court of Pakistan in the case of JAWAD AHMAD MIR Versus Prof. Dr. IMTIAZ ALI KHAN, VICE CHANCELLOR, UNIVERSITY OF SWABI, DISTRICT SWABI, KHYBER PAKHTUNKHWA and others, reported as 2023 SCMR 162, wherein it is held that by the Hon'ble Supreme Court in para-8 has been pleased to held that:

8. The writ of quo warranto is in the nature of setting forth an information before the High Court against a person who claimed and usurped an office, franchise or liberty. The rationality of the writ of quo warranto is to settle the legality of the holder of a statutory or Constitutional office and decide whether he was holding such public office in accordance with law or against the law. The writ of quo warranto can be instituted by a person though he may not come within the meaning of words "aggrieved person". For the purpose of maintaining a writ of quo warranto there is no requirement of an aggrieved person, and a whistle blower need not to be personally aggrieved in the strict sense and may relay the information to the court to enquire from the person holding public office. The purpose of the writ of quo warranto is to pose a question to the holder of a public office: "where is your warrant of appointment by which you are holding this office?" In the writ of quo warranto no special kind of interest in the relator is needed, nor is it necessary to explain which of his specific legal rights is infringed. It is enough for this issue that the relator is a member of the public and acts bona fide. This writ is more in the nature of public interest litigation where undoing of a wrong or vindication of a right is sought by an individual for himself, or for the good of the society, or as a matter of principle. The conditions necessary for the issuance of a writ of quo warranto are that the office must be public and created by a statute or Constitution itself; the office must be a substantive one and not merely the function of an employment of a servant at the will during the pleasure of others; there has been contravention of the Constitution or a statute or statutory instrument by appointing such person to that office. The essential grounds for issuing a writ of quo warranto are that the holder of the post does not possess the prescribed qualification; the appointing authority is not the competent authority to make the appointment and that the procedure prescribed by law has not been followed. The burden of proof is then upon the appointee to demonstrate that his appointment is in accordance with the law and rules. It is clear that before a person can claim a writ of quo warranto, he must satisfy the court, inter alia, that the office in question is a public office and is held by a usurper without legal authority, and that necessarily leads to the enquiry as to whether the appointment of the said alleged usurper has been made in accordance with law or not. The concept and aftermath of the writ of quo warranto has been articulated in different jurisdictions with the following approach and frame of mind:-

Halsbury's Laws of England (Third Edition), Volume 11, page 145:

Quo warranto. An information in the nature of a quo warranto took the place of the obsolete writ of quo warranto which lay against a person who claimed or usurped an office, franchise, or liberty, to enquire by what authority he supported his claim, in order that the right to the office or franchise might be determined.

An information in the nature of quo warranto lay only if the office was substantive in character, that is, an office independent in title, and if the holder of the office was an independent official, not one discharging the functions of a deputy or servant at the will and pleasure of others. An information in the nature of a quo warranto lay in respect of an office held at pleasure, provided the office was one of a public and substantive character.

Halsbury's Laws of India, Volume 35, Page 145:

Quo warranto proceeding affords a judicial remedy by which any person, who holds an independent substantive public office or franchise or liberty, is called upon to show by what right he holds the said office, franchise or liberty so that his title to it may be duly determined, and in case the finding is that the holder of the office has no title, he would be ousted from that office by judicial order in other words, the procedure of *quo warranto* gives the judiciary a weapon to control the executive from making appointments to public office against law and to protect a citizen from being deprived of public office to which he has a right. These proceedings also tend to protect the public from usurpers of public office, who might be allowed to continue either with the connivance of the executive or by reason of its apathy.

American Jurisprudence (Second Edition), Volume 16, page 578:

Quo warranto is intended to prevent the exercise of powers that are not conferred by law, and is not ordinarily available to regulate the manner of exercising those powers. It cannot be used to test the legality of official actions of public corporations or officers, though it has been held that it may be used to determine whether a constitutional officer is attempting to usurp power not granted him by the constitution or laws.

Corpus Juris Secundum, Volume LXXIV, page 174-175

The writ of *quo warranto* is an ancient common law, prerogative writ and remedy. Indeed, it is one of the most ancient and important writs known to the common law. The ancient writ was in the nature of a writ of right for the king, against him who claimed or usurped any office, franchise, or liberty, to inquire by what authority he supported his claim, in order to determine the right, or, in the case of nonuser, long neglect, misuser, or abuse of a franchise, a writ commanding defendant to show by what warrant he exercised such franchise, never having had any grant of it, or having forfeited it by neglect or abuse.

Black's Law Dictionary (Tenth Edition), page 1447:

Quo warranto 1. A common-law writ used to inquire into the authority by which a public office is held or a franchise is claimed.

"*Quo warranto* means 'by what warrant?' - or authority? - and was a proceeding to inquire whether authority existed to justify or authorize certain acts of a public character or interest. Originally the proceeding of *quo warranto* was a criminal one instituted by the crown, the purpose of which was to find out, in the course of a formal inquiry, whether or not persons or corporations were exercising a privilege or franchise, illegally, or if persons who had no right to do so were occupying some public office. If it were found that the person or corporation was in fact illegally interfering with the prerogative power of the crown, or was in fact doing some other illegal act, it was ousted from the illegal practice or office. Accordingly, it can be seen at once that the proceeding on *quo warranto* was not one to be used by private parties in the conduct of ordinary litigation." Charles Herman Kinnane, *A First Book on Anglo-American Law* 662 (2d ed. 1952).

9. In our jurisdiction, compliant with the dictum laid down by this Court in various judgments, such as the case of *Masudul Hassan v. Khadim Hussain and another* (PLD 1963 SC 203), it was held that writ of *quo warranto* was in its nature an information lying against a person who "claimed or usurped an office, franchise or liberty" and was intended to enquire by what authority he supported his claim in order that the right to the office may be determined. In the case of *Capt. (Retd.) Muhammad Naseem Hijazi v. Province of Punjab and others* (2000 SCMR 1720), this Court held that in the writ of *quo warranto*, under Article 199 of the Constitution of the Islamic Republic of Pakistan the High Court in exercise of its Constitutional jurisdiction is competent to enquire from any person, holder of a public office to show that under what authority he is holding the said office. Whereas in the case of *Hafiz Hamdullah v. Saifullah Khan and others* (PLD 2007 SC 52), it was held that the object of writ of *quo warranto* is to determine legality of the holder of a statutory or Constitutional office and decide whether he was holding such office in accordance with law or was unauthorisedly occupying a public office. For issuance of a writ of *quo warranto*, the person invoking the jurisdiction of High Court under Article 199 of the Constitution is not required to fulfill the stringent conditions required for bringing himself within the meaning of an aggrieved person.

Likewise, in the case of Imran Ahmad Khan Niazi v. Mian Muhammad Nawaz Sharif (PLD 2017 SC 265), this Court held that Constitutional petition in the nature of a writ of quo warranto was maintainable against a Member of the Majlis-e-Shoora (Parliament), if he was disqualified or did not possess or had lost his qualification, in such behalf. Power to disqualify a member in cases where for some reason he escaped disqualification at the time of filing his/her nomination papers but such fact/event was discovered subsequently, could, in appropriate cases and subject to availability of admitted facts or irrefutable evidence be exercised by the High Court under Article 199 and by the Supreme Court under Article 184(3) of the Constitution.

21. In the wake of above discussion, the petitioner has failed to demonstrate that the respondents were holding the public office without any lawful authority and they did not possess the requisite qualification for doing the professional work as observed in the case of Maula Bux (supra). The petitioner has failed to demonstrate sufficient grounds for issuance of a writ of quo warranto viz-a-viz that the holder of public office did not possess the prescribed qualification, the appointing authority is not a competent authority to make the appointment and the prescribed procedure of law has not been followed. On the contrary, the respondents have been appointed through SPSC, they held the requisite professional degrees and were registered with Pakistan Engineering Council and were entitled to do professional work defined in the PEC Act. The petitioner has failed to discharge his burden as such writ in the nature of quo warranto cannot be issued. Consequently this petition fails and accordingly dismissed in liminie along with pending application(s) if any.

22. This Petition was dismissed in liminie on 31.12.2026 and these are the reasons for the same.

Judge

**Judge
Head of Const. Benches**

Nadir/PS*

Approved for reporting