

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P No.D-767 of 2020

[Mst. Khursheed vs. Province of Sindh and Others]

Before:

Justice Arbab Ali Hakro
Justice Riazat Ali Sahar

Petitioner by : Mr. Atta Hussain Gaddi, Advocate
Respondents by : Mr. Muhammad Ismail Bhutto A. A.G Sindh
Date of Hearing : **15.01.2026**
Date of Decision : **15.01.2026**

JUDGMENT

ARBAB ALI HAKRO, J:- Through the present petition, the petitioner seeks directions to the official respondents for issuance of her appointment order to the post of Junior Elementary School Teacher (BPS-14) (JEST), asserting that she was duly selected but unlawfully denied appointment.

2. The petitioner avers that the Education Department invited applications for the post of JEST, and she applied from Taluka Bulri Shah Karim, District Tando Muhammad Khan. The recruitment test was conducted by SIBA Sukkur on 25.11.2018, in which she participated and claims to have qualified. According to her, three posts were earmarked for Taluka Bulri Shah Karim, and only three female candidates from that taluka were declared successful, with the petitioner placed at serial No.3. Despite this, she was refused appointment on the grounds that she was not a resident of Taluka Bulri Shah Karim.

3. Learned counsel for the petitioner submits that the petitioner's candidature squarely fell within the three available seats for Taluka Bulri Shah Karim and her placement at serial No.3 entitled her to appointment. He contends that the respondents declined to issue the appointment order solely on the basis that the petitioner did not belong to the said taluka. Counsel states that, upon the petitioner's request, respondent No. 3 initiated an

inquiry to verify her place of residence, and the Mukhtiarkar (respondent No. 7), through a report dated 10.03.2020, confirmed that the petitioner resides within the territorial limits of Taluka Bulri Shah Karim. Notwithstanding this verification, respondent No. 9, vide letter dated 11.06.2020, requested respondent No. 8 to remove the petitioner's name from the list of candidates for Taluka Bulri Shah Karim and place it under Taluka Tando Muhammad Khan. Counsel argues that the petitioner is a permanent resident of Taluka Bulri Shah Karim, as reflected in revenue entries and her CNIC and that the mention of Taluka Tando Muhammad Khan in her Domicile Form-D was a bona fide clerical error. He relies upon the order dated 23.01.2020 passed in C.P. No.D-2619 of 2019, wherein a similar error was permitted to be corrected by the competent authority and upon the order dated 05.04.2012 in C.P. No.D-1997 of 2011, asserting that the petitioner stands on an identical footing and is entitled to the same treatment.

4. Conversely, learned Additional Advocate General, referring to the comments filed by the respondents, submits that although the petitioner qualified the written test, the recruitment was conducted strictly on a taluka-wise basis, determined by the Domicile/PRC available at the relevant time. Since the petitioner's Domicile/PRC reflected Taluka Tando Muhammad Khan, she did not fall within the merit of Taluka Bulri Shah Karim, and therefore, no appointment letter could be issued. He adds that if the petitioner secures correction of her domicile from the competent revenue authority, the Education Department will thereafter process her case in accordance with law.

5. Arguments heard. Record examined.

6. The foundational facts are largely undisputed. The recruitment in question was conducted on a taluka-wise basis; three posts of Junior Elementary School Teacher (BPS-14) were allocated to Taluka Bulri Shah Karim, District Tando Muhammad Khan; SIBA Sukkur conducted the test,

and the petitioner did qualify that test and was placed at serial No.3 amongst the female candidates shown against Taluka Bulri Shah Karim. It is equally undisputed that at the relevant time, the petitioner's Domicile/PRC on record described her as a resident of Taluka Tando Muhammad Khan and not of Taluka Bulri Shah Karim. The Education Department, proceeding on the face of that record, did not treat her as falling within the zone of consideration for the posts earmarked for Taluka Bulri Shah Karim.

7. The petitioner's case is built on the assertion that she is, in truth, a permanent resident of Taluka Bulri Shah Karim and that the mention of Taluka Tando Muhammad Khan in her domicile documentation was a bona fide mistake. She has relied upon a subsequent inquiry conducted by the Mukhtiarkar, who, through his report dated 10.03.2020, has verified that she is residing within the limits of Taluka Bulri Shah Karim. On the strength of that report and by placing reliance on earlier orders of this Court in other petitions, it is urged that the respondents were under an obligation to treat her as a candidate of Taluka Bulri Shah Karim and to issue her appointment order accordingly.

8. The respondents, on the other hand, have taken a clear and consistent stance. They maintain that the recruitment was conducted strictly on the basis of the Domicile/PRC as it stood at the time of the process; that the petitioner's Domicile/PRC then reflected Taluka Tando Muhammad Khan; that she could not reach the requisite merit within that taluka and that no appointment letter could, therefore, be issued to her. It has further been stated that if the petitioner secures correction of her domicile from the competent revenue authority, her case may thereafter be processed in accordance with law, but such correction cannot retrospectively alter the position that obtained at the time of recruitment.

9. The first question that arises is whether a candidate, whose Domicile/PRC at the relevant time did not show her as belonging to a

particular taluka, can subsequently, by obtaining a corrected or fresh domicile, claim that she ought to be treated as having been eligible for that taluka ab initio. The answer must be negative. In service and recruitment matters, eligibility is not a fluid or shifting concept; it is anchored to the cutoff date or the period prescribed by the recruitment process. The appointing authority is required to assess candidates on the basis of the documents and status that exist at that time. Allowing later-issued or corrected documents to rewrite eligibility retroactively would undermine the integrity, finality, and predictability of the recruitment exercise.

10. Domicile and PRC, particularly in the context of taluka-wise or district-wise quotas, are jurisdictional facts. They determine the pool within which a candidate competes and the comparative merit that is to be drawn. If a candidate's Domicile/PRC, at the time of scrutiny, places her in Taluka "A", she competes within that taluka's pool; she cannot, after the process is over, seek to migrate to Taluka "B" by obtaining a subsequent correction and then insist that she should be treated as if she had always been part of Taluka "B" for the purposes of that concluded recruitment. Such a proposition would not only disturb settled expectations of other candidates but would also open the door to manipulation and afterthought adjustments, which the law does not countenance.

11. The petitioner has emphasized the Mukhtiarkar's report verifying her residence in Taluka Bulri Shah Karim. That report, even if accepted at face value, does not by itself alter the legal position. An administrative verification of residence is one thing; the existence of a duly issued Domicile/PRC at the relevant time is another. The appointing authority is not expected to go behind the formal domicile documents and conduct its own roving inquiry into residence; it is entitled, indeed obliged to act on the official record as it stands. The subsequent verification may form the basis for the revenue authorities to consider correction of domicile for the future, but it cannot be

used to retroactively invalidate the earlier Domicile/PRC on which the recruitment was lawfully processed.

12. We also find no material on record to suggest mala fide on the part of the Education Department. The petitioner's grievance is not that some ineligible candidate was favoured in her place within Taluka Bulri Shah Karim or that the respondents departed from the notified criteria. Her complaint is that the respondents did not treat her as a resident of Taluka Bulri Shah Karim, despite her later assertion and verification. However, when the Department acted, it did so on the basis of the then-existing Domicile/PRC, which showed her as a resident of Taluka Tando Muhammad Khan. Acting on the face of official documents cannot, without more, be branded as mala fide or arbitrary.

13. It is also well-settled that mere qualification in a test does not, by itself, confer a vested right to appointment. A candidate must not only qualify but also satisfy all eligibility criteria applicable to the post and the quota at the relevant time. In the present case, even if the petitioner's performance in the test placed her at serial No.3 against the three posts notionally shown for Taluka Bulri Shah Karim, she did not, at that time, possess a Domicile/PRC that placed her within that taluka. Her eligibility for those posts was, therefore, incomplete. The subsequent attempt to cure that deficiency by obtaining or relying upon later domicile documentation is, in the circumstances, an afterthought and cannot be given retrospective effect to disturb a completed recruitment exercise.

14. The earlier orders of this Court cited by learned counsel for the petitioner do not advance her case. Those orders turned on their own facts and, in any event, cannot be read as laying down a principle that a later corrected domicile must be treated as if it existed at the time of recruitment, regardless of the stage at which the correction was obtained and the impact it would have on other candidates and on the finality of the process. On the facts

before us, the petitioner has failed to demonstrate any legal right infringed or any illegality in the respondents' conduct.

15. In the result, we hold that (i) the petitioner was not, at the relevant time, eligible to be considered against the posts allocated to Taluka Bulri Shah Karim, as her Domicile/PRC then placed her in Taluka Tando Muhammad Khan; (ii) the subsequent verification of residence and any later issued or corrected domicile documents are, in the context of this concluded recruitment, an afterthought and cannot be accorded retrospective effect; (iii) the respondents acted within the bounds of law in processing appointments on the basis of the domicile particulars then available on record and (iv) no case for interference in constitutional jurisdiction is made out.

16. Accordingly, this petition is **dismissed**. There shall, however, be no order as to costs. Pending applications, if any, stand disposed of.

JUDGE

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