

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. D - 4455 of 2025

Date	Order with signature(s) of Judge(s)
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Fresh case

1. For orders on Misc. No. 895/2026
2. For orders on office objection
3. For hearing of Misc. No. 18531/2025
4. For hearing of Misc. No. 18557/2025
5. For hearing of main case

21.01.2026

Mr. Javed Ali Kalhoro, Advocate along with the petitioners.
Mr. Abdul Jalil Zubedi, AAG.

1. Urgency granted.

2-5. Vide order dated 15.09.2025, learned counsel for the petitioners was directed to explain as to how the present petition was maintainable, being against a policy matter. Learned counsel for the petitioners submits that pursuant to an advertisement issued by the respondents, the petitioners had applied for appointment to the posts of Junior Elementary School Teacher (JEST) and Primary School Teacher (PST) and were declared successful in the test; however, they were deprived of appointment on the ground that they had secured less than 40 marks. He further submits that the respondents, in order to promote nepotism and favoritism, unlawfully deprived the petitioners of their rightful appointments. He, therefore, prays that notice be issued to the respondents.

Learned AAG, while arguing the matter, has placed reliance upon the judgment dated 09.10.2025 vide C.P. Nos. D-508 of 2023 and others rendered by an earlier C.B. comprising Mr. Justice Muhammad Karim Khan Agha and Mr. Justice Adnan-ul-Karim Memon, and has drawn our attention to the concluding paragraphs 22 and 23 thereof, submitting that the present petition is not maintainable and is liable to be dismissed. Before parting with the order, it will be appropriate to reproduce the paragraphs 22 and 23 of the relevant judgment, which read as under:

“22. The Sindh Teachers Recruitment Policy 2021, issued by the School Education & Literacy Department with Provincial Cabinet approval, aims to ensure transparency,

merit, and uniformity in recruiting teaching and non-teaching staff across Sindh. The policy emphasizes hiring competent teachers, particularly those with a science background, English proficiency, and mother tongue fluency for classes I-X, and prioritizes Early Childhood Education (ECE) with female teachers for Katchi and ECE classes. Since 2008, around 30,000 teachers have been recruited through a merit-based competitive process to maintain proper Student-Teacher Ratios, though remote areas still face shortages. The key objectives of the Policy are to appoint teachers transparently via third party on UC/Taluka basis; define eligibility and disqualifications; clarify roles of officials and third parties; set reservation quotas (merit, gender, minorities, disabled); relax test scores for hard areas; outline selection steps and test content; provide additional marks for professional qualifications; and guide applicants. The amendments aim to fill vacancies in remote areas, promote inclusivity through adjusted eligibility and reservation quotas, enhance transparency by clarifying roles of officials and third-party agencies, and improve education by recruiting qualified teachers and strengthening Early Childhood Education (ECE).

23. The contention that the policy is ultra vires the Sindh Civil Servants Act, 1973, and the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules 1974 (APT Rules), is misconceived, as this Court, in the Meer Shanawaz Khosa case supra, upheld the recruitment policy 2021 framed by the Government of Sindh, as such no contrary view can be taken in separate petitions, however, the policy does not amend, supersede, or contradict the statutory rules but rather supplements them by providing a structured and transparent mechanism for recruitment in accordance with the spirit of Section 4 of the Act, which empowers the Government to prescribe methods and procedures for appointment. It is a settled principle that executive policy decisions fall within the domain Government and are not ordinarily interfered with by the Courts unless found to be mala fide, arbitrary, or in violation of any statutory provision or fundamental right. The record reveals that the recruitment process under the impugned policy was conducted through objective criteria, including written tests by a recognized, testing service, and merit lists were duly prepared. The policy also ensures fair representation of women, minorities, differently-abled persons, and candidates from hard areas, consistent with Articles 25 and 27 of the Constitution and the Sindh Civil Servants (Amendment) Act, 1994 as its main purpose was to introduce reservations (quotas) for women, minorities, and differently-abled.: persons in public employment, and to align provincial recruitment policy with the constitutional guarantee under Articles 25, 26, and 27 of the Constitution of Pakistan, 1973. Primarily, every recruitment policy issued by the Sindh Government must include the quota for women, minorities, and differently-abled persons and implement it in its letter and spirit. No evidence has been brought on record to establish mala fide intent, arbitrariness, or

violation of statutory or constitutional provisions. The Teachers' Recruitment Policy, 2021, being a rational, transparent, and merit-based framework, is found to be within the lawful authority of the Provincial Government and consistent with the constitutional guarantees of equality and fairness. A policy cannot be challenged constitutionally unless it is irrational, mala fide, perverse, or arbitrary. No such defect has been shown in the impugned policy 2021, which aimed to address the grievances of residents in underdeveloped areas in line with Article 37 of the Constitution. Accordingly, the Recruitment Policy, 2021, is upheld as valid and enforceable. The constitutional petitions challenging the vires of the Recruitment Policy 2021 are dismissed along with pending, application(s). The rest of the petitions are also disposed of accordingly in terms of this decision and the respondent department shall act as policy if the case of the rest of the petitioner falls within the ambit of the policy and law.

The petitioners have claimed the same relief which has been declined by this Court in the case of Meer Shanawaz Khosa supra.

In light of the above dicta and considering the belated stage at which the present petition has been filed, the petition is misconceived and is hereby dismissed along with the pending applications, with no order as to costs.

**JUDGE
HEAD OF CONST. BENCHES**

JUDGE

Azeem