

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

*Constitutional Petition No.D-663 of 2026*  
*(Abdullah vs. Province of Sindh and others)*

---

Date	Order with the signature(s) of the Judge(s)
------	---

---

*Before:-*  
*Mr. Justice Amjad Ali Bohio,*  
*Mr. Justice Ali Haider 'Ada'.*

**29.04.2026.**

Mr. Ghulam Murtaza Korai, Advocate for the Petitioner.  
Mr. Irshad Hussain Dharejo, Advocate for the Respondents No.2 to 5.  
Mr. Ahmed Ali Shahani, Assistant Advocate General, along with Ghulam Murtaza Shah, DEO (ES&HS), Sukkur, Zameer Hussain AD (ES&HS) on behalf of Director (ES&HS) Sukkur, Ghulam Murtaza Soomro, PS to Chairman, Representative of Respondents No.2 to 5, Syed Israr Ahmed Shah, DEO (ES&HS) Ghotki and Ishfaque Rehman (Litigation Officer) DEO (ES&HS) Khairpur.

\*\*\*\*\*

**Ali Haider 'Ada' J:-** This constitutional petition is directed against the Board of Intermediate and Secondary Education Sukkur (BISE- Sukkur). The petitioner has challenged the conduct of the respondent authority on the ground that the management and high officials of BISE Sukkur failed to adhere to the prescribed rules and regulations while appointing internal and external invigilators during the course of examinations. It is alleged that such appointments were made based on favoritism and nepotism, thereby compromising the transparency of the examination process and adversely affecting the academic environment.

2. In response to the notice, the respondents, including the District Education Officer Sukkur, filed their statement along with parawise comments. Subsequently, further parawise comments were also submitted, accompanied by lists of teaching staff serving in the Education Department in Districts Sukkur, Khairpur, and Ghotki. The principal stance taken by BISE Sukkur is that, for the purpose of conducting examinations of various classes under its

jurisdiction, inspection teams were duly constituted. It is submitted that the appointments of internal and external superintendents were made based on lists provided by the Heads of educational institutions, as well as by the concerned Director of School Education and District Education Officers. Furthermore, it is contended that while assigning duties for internal, external, and vigilance team members, consideration was also given to recommendations furnished by teachers' associations, including the Government All Sindh Teachers Association (GASTA) and Government Officers Association Sindh (GOAS). The respondents have further explained that, in certain instances, strict adherence to seniority was relaxed to a limited extent due to practical constraints, including the possibility of disruption in examination arrangements by the said associations in case their recommendations were disregarded.

3. Learned counsel for the petitioner contends that where a specific procedure is prescribed under the relevant rules and regulations, the same is required to be followed strictly in letter and spirit. It is argued that the actions of the Board of Intermediate and Secondary Education Sukkur are in clear violation of such rules, as due consideration was not given to senior teachers while making appointments of external and internal superintendents, as well as members of the vigilance teams. According to the petitioner, this deviation from the prescribed criteria resulted in the constitution of a compromised examination staff, which, in turn, fostered a situation conducive to unfair means and deceitful, thereby put at risk the academic future of the students.

4. On the other hand, learned counsel for BISE-Sukkur submits that, to some extent, recommendations furnished by teachers' associations were taken into consideration only to avoid any disruption in the smooth conduct of examinations. It is contended that, in the event such recommendations were ignored, there existed a likelihood of interference or hindrance by the said associations.

However, it is emphasized that, in the majority of cases, the lists provided by the concerned Education Department at the district level were relied upon, and appointments were made accordingly.

5. Learned Assistant Advocate General submits that where the law prescribes that an act is to be done in a particular manner, it must be done in that manner alone and not otherwise. Therefore, the Board of Intermediate and Secondary Education Sukkur is bound to strictly adhere to the prescribed procedure and cannot deviate therefrom.

6. Heard learned counsel for the parties and perused the entire material available on record, as well as the relevant guidelines, law, and policy governing the field.

7. Before proceeding further, it would be appropriate to examine the relevant legal framework applicable to the controversy in question. In this regard, the Examination Rules contained in Volume-III of BISE-Sukkur provide a comprehensive mechanism and clearly define the procedure relating to the matters at hand. Particularly, Chapter XVI pertains to the establishment of examination centres and lays down the governing principles. The relevant provisions include rules regarding inspection of centres, appointment of external and internal superintendents for examination centres, as well as the appointment of invigilators and factotums. For ready reference, the relevant rules are reproduced hereunder:

#### **Rules regarding Inspection of Centres**

*Rule No: 1 These rules may be called the Board of Intermediate & Secondary Education Sukkur (Inspection of Centres) Rules,*

*Rule No: 2 Every Centre of an Examination shall be open to inspection by the Chairman, Controller of Examination, Assistant Controller of Examination and such other officers/staff of the Board as may be authorized by the Chairman in this behalf.*

*Rule No: 3 There shall also be Inspector of Centre who shall be required to visit every centre allotted to them. Inspector of Examination centre should*

pay not more than 4 (four) visits 2(two) visits during the Part-I & II and (two) visits during Part-II Examinations.

Rule No: 4 The Centre Inspector referred to above may be drawn from amongst Principals of Colleges, retired Inspector of Schools, Senior Head Masters, Deputy and District Education Officer of the Department of Education and Professors of the University so also other officer to home Chairman may appoint.

Rule No: 5 Every Centre Inspector shall submit his Inspection Report on prescribed form to the Controller of Examinations and he shall write the same briefly but intelligently so as to depict the true state of the conduct of examination.

Rule No: 6 The Inspector appointed by the Board for inspection of examination centres, be paid an honorarium on a flat rate of per visit of the centre. Inspectors of local centres will continue to get Rs.\_\_\_\_ as conveyance allowance.

### **Rules regarding Appointment of External and Internal Superintendents for the Examination Centres**

Rule No: 1 These rules may be called the Board of Intermediate & Secondary Education Sukkur (Appointment of External and Internal Superintendents for Examination Centre) Rules,

Rule No: 2 The Chairman shall normally appoint one External Superintendent and one Internal Superintendent at each centre of an examination.

Rule No: 3 The External Superintendent shall be appointed among the Heads of the various Institutions similarly the Internal Superintendent shall be appointed among the senior teacher of the institutions concerned where the said teacher is serving.

Rule No: 4 The Chairman may, if the number of candidates at a centre so requires, appoint more than one External superintendents for the efficient conduct of the examination. The Chairman may, if the number of candidates at a centre so requires, appoint more than one External Superintendents for the

Rule No: 5 The External/Internal Superintendent eligible for appointment for the conduct of an examination shall:-

- a) An employee of the status of Senior Officer serving in the Government/Semi Government Education Institutions.
- b) An employee of the status of Class I or II serving in private educational institution.
- c) A retired employee of the status of class 1 or II belonging to the educational or judicial service.

Rule No: 6 " Immediately after his appointment, the External Superintendent/Internal Superintendent should inform the Chairman about his acceptance or otherwise of the offer as per declaration from given in the Appendix"

*Rule No: 7 The External/Internal Superintendent shall not accept the offer if any of his relatives (mentioned in the foot-note) is appearing at the same examination.*

*The term relative includes the following:-*

*Wife, husband, son, daughter, grand-son, grand-daughter, brother, sister, nephew, niece, grand-niece, grand-nephew, uncle, aunt, first cousin, son-in-law, daughter-in-law and sister-in-law.*

#### **APPOINTMENT OF INVIGILATORS AND FACTOTUMS.**

*4. The Invigilators and Factotums are to be appointed by the Controller of Examinations and no Invigilator or Factotum is to be appointed if any of his relatives as mentioned in the Appendix is appearing at the Examination. The Invigilators and Factotums should be asked to give a declaration in the form as given in the Appendix*

*5. Unless otherwise permitted, seating arrangements for any examination will have to be approved of by the Chairman/Controller of Examinations. They may also pay visits whenever considered necessary by them.*

*6. The External / Internal Superintendent shall distribute copies of "Instructions to Invigilators" as given in the Appendix at least one day before the commencement of the examination. External / Internal Superintendents are requested to add to these whatever further instructions they may consider necessary for the efficient conduct of examination.*

8. Upon careful perusal of the aforesaid rules, it is evident that the relevant provisions clearly prescribe the criteria and mechanism for appointments related to the examination process. The rules stipulate that Centre Inspectors are to be appointed from amongst Principals of colleges, retired Inspectors of Schools, senior Headmasters, Deputy and District Education Officers of the Education Department, as well as Professors of Universities, along with such other officers as may be appointed by the Chairman.

9. Concerning the appointment of External Superintendents for examination centres, the rules mandate that such appointments shall be made from amongst the heads of various educational institutions. Similarly, Internal Superintendents are required to be appointed from amongst the senior teachers of the concerned institution where the said teacher is serving.

10. Furthermore, subject to Rule 5, it is clarified that employees holding the status of senior officers serving in Government or semi-

Government educational institutions, as well as employees holding Class I and II positions in private educational institutions, and even retired employees of equivalent status belonging to educational or judicial services, are eligible for appointment under the relevant provisions.

11. As far as the appointment of invigilators and factotums is concerned, the same are to be appointed by the Controller of Examinations strictly in accordance with the criteria and procedure laid down in the relevant rules referred to hereinabove.

12. From the plain reading of the relevant rules, it is manifest that a complete mechanism has been provided regarding the eligibility criteria and procedure for the appointment of examination staff. However, there is no provision in the rules that permits consultation with or reliance upon any teachers' association for furnishing lists or influencing such appointments. In the absence of any statutory backing, the practice adopted by the Board of Intermediate and Secondary Education, Sukkur, of considering the recommendations of such associations is wholly unwarranted. Accordingly, the said practice, as admitted in the comments filed by BISE, is declared to be *ultra vires* the rules and contrary to the prescribed mechanism contained in Volume III of the Examination Rules.

13. It is a well-settled principle of law that where a law prescribes that a thing is to be done in a particular manner, it must be done in that manner alone, and any deviation therefrom renders the act unlawful. In the case of *Jehan Din v. The State (2025 SCMR 923)*, it has been held that:

4. *It is a well-established principle of criminal jurisprudence of law arising out of maxim "Communi observantia non est recedendum" that when law required a thing to be done in a particular manner, the same must be done accordingly and if the prescribed procedure was not followed, it would be presumed that the same had not been done in accordance with law, as held in the case of Noman Mansoor v. State (PLD 2024 SC 805)....."*

14. In view of the foregoing discussion and the facts and circumstances of the case, the respondents, namely the Board of Intermediate and Secondary Education Sukkur, are hereby directed to strictly adhere to the prescribed rules and regulations governing the appointment of examination staff as mentioned *supra*. They shall ensure that no element of favoritism, nepotism, or extraneous influence is allowed to interfere with such appointments. It is further directed that no recommendations or influence from any external quarters, including associations or pressure groups, shall be entertained, and all appointments shall be made strictly in accordance with the procedure laid down in the relevant rules. With these observations and directions, the instant petition stands disposed of.

**JUDGE**

**JUDGE**