

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-3177 of 2022

[Abdul Aziz vs. University of Sindh Jamshoro and others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	In person
Respondent University	By Mr. Kamaluddin advocate
	Mr. Rafique Ahmed Dahri, Additional A.G Sindh
Date of hearing	20.10.2026
Date of Decision	20.10.2026

O R D E R

ADNAN-UL-KARIM MEMON J:- The petitioner seeks a declaration of his entitlement to promotion to BPS-17 on the basis of seniority, qualification, merit, applicable University rules, HEC policy, and the principle of legitimate expectation; a direction to promote him after retirement, as permissible under law.

2. The petitioner who appears in person submits that he joined the University of Sindh, Jamshoro, as Clerk-cum-Typist (BPS-05) on 25.05.1987 and was promoted to Assistant (BPS-14) on 22.07.2009. Subsequently, the post of Assistant was upgraded to BPS-16 with effect from 04.08.2016, and he has since been serving in the said grade. He claims to possess the requisite qualifications, including B.A., MBA (First Class) and LL.B., along with extensive service experience and an unblemished record. The petitioner contends that he is eligible for promotion to Superintendent/Officer (BPS-17) against two allegedly vacant posts; however, despite submitting representations dated 28.10.2020 and 26.05.2022, his request was not favourably considered. He alleges that the respondents intend to promote Ghulam Rasool Chandio and Miss Sara Maqsood, who are junior to him, without properly determining and finalizing the inter se seniority of Assistants (BPS-16) or affording him an opportunity of hearing. Despite issuance of legal notice dated 02.06.2022, the grievance remains unresolved. He maintains that withholding his promotion while favouring his juniors is illegal, discriminatory and contrary to the applicable University rules, merit and seniority principles, as well as the doctrine of legitimate expectation. Accordingly, he seeks a declaration of his entitlement to promotion to BPS-17, a direction for his promotion on merit and seniority before retirement, and restraint against promoting his juniors to his prejudice.

3. Learned counsel representing respondent university submits that the petitioner was promoted to BPS-14 on 22.07.2009, whereas Mr. Ghulam Rasool Chandio and Ms.

Sarah Maqsood had been promoted to the same scale on 07.10.2008 and 29.01.2009, respectively, and thus remained senior to him in BPS-14 and BPS-16, to which all three were promoted on 04.08.2016. The petitioner was not promoted as Superintendent (BPS-17) due to non-availability of a vacant post, while the said officers were promoted on the basis of seniority-cum-merit upon the recommendation of the Selection Board and approval of the Syndicate. Learned AAG denies any violation of law by the respondents and submits that the petitioner has not exhausted the alternate remedy available under the Sindh University Act and is not entitled to the relief sought; hence, the petition is liable to be dismissed.

4. We have heard learned counsel for the parties and perused the record with their assistance.

5. Record reflects that the petitioner was promoted to BPS-14 on 22.07.2009, whereas the officers against whom he claims discrimination had been promoted to the same scale earlier, on 07.10.2008 and 29.01.2009, respectively. The petitioner's claim to promotion to BPS-17, therefore, cannot be determined merely based on his academic qualifications and length of service; rather, his eligibility, inter se seniority, suitability and entitlement must be assessed in accordance with the applicable University rules and the prescribed selection procedure.

6. Promotion is not an automatic or vested right, although an eligible employee is entitled to fair consideration in accordance with law. In the absence of sufficient material establishing that a sanctioned vacancy existed, that the petitioner was eligible and senior to the promotees under the applicable rules, or that the respondents acted arbitrarily or discriminatorily, no enforceable right to promotion is made out.

7. The doctrine of legitimate expectation cannot override statutory rules or confer a promotion contrary thereto.

8. Accordingly, the petition, to the extent of seeking direction for promotion or restraint against the promotion of other officers, is not liable to be granted. However, the petitioner claims that he has not been afforded consideration in accordance with the applicable rules; if this is the position of the case, the competent University authority is directed to examine his claim, including the question of seniority and availability of vacancies, through a speaking order, subject to law.

9. This petition stands disposed of in the above terms.

JUDGE

JUDGE