

IN THE HIGH COURT OF SINDH, KARACHI

C. P. NO. D-3088 / 2026
(Zeeshan Ali Chachar Vs. Federation of Pakistan & Others)

Present:

Mr. Justice Adnan-ul-Karim Memon
 Mr. Justice Muhammad Jaffer Raza

Date of hearing and order: **-11.08.2026.**

Mr. Matloob Hussain, Advocate for Petitioner.
 Mr. Zohaib Sarki, Additional Advocate General Sindh.
 SHO/Inspector S. M. Khalid P.S. Khawaja Ajmir Nagri.
 Mr. Allah Ditta Khoso, Litigation Officer, SE&LD.
 Mr. Muhammad Haroon, Focal Person Director Primary School.

Adnan-ul-Karim Memon, J. The Petitioner Zeeshan Ali Chachar has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan seeking the following reliefs: -

- “a) Declare that the acts and omissions of the Respondents in not completing the biometric verification of the Petitioner and in withholding/removing his Driving and Disbursing Officer (DDO)powers and School Specific Budget (SSB) account are illegal, arbitrary, mala fide, without lawful authority and of no legal effect;
- b) Direct the Respondents to immediately complete the biometric verification process of the Petitioner;
- c) Direct the Respondents to restore/grant DDO powers to the Petitioner in his capacity as In-charge Headmaster,
- d) Direct the Respondents to restore and reactivate the SSB account in the name of the Petitioner;
- e) Direct the Respondents to include the name of the Petitioner in the STR/e-Portal list,
- f) Restrain the Respondents from interfering in the lawful functioning and administrative authority of the Petitioner:
- g. Grant any other relief deemed just and proper in the circumstances of the case.”

2. The Petitioner, a Primary School Teacher (BPS-14), is presently serving as In-charge Headmaster at GBPS No. 02, Orangi No. 05, Karachi West, having been transferred on merit from GBPS Adlo Machi, District Ghotki. He has approached this Court under Article 199 of the Constitution, aggrieved by the

failure of the Respondents to complete his biometric verification and by the unlawful withdrawal of his Driving and Disbursing Officer (DDO) powers and School Specific Budget (SSB) account.

3. The counsel for the Petitioner states that after his transfer, his biometric verification remained pending due to a dispute before the Tribunal. He personally approached the competent authorities, who assured him that his case would be processed and his name included in the STR/e-Portal list. He added that despite repeated visits and publication of the STR list, his name was omitted. He later discovered that his case had not been properly forwarded by the concerned officials. Although he suffered an accident during this period, he continued to perform his duties as In-charge Headmaster from 07.04.2025 and regularly attended official meetings, trainings and assignments. The Petitioner's counsel further states that, being duly assigned as In-charge Headmaster, he was entitled to exercise DDO powers and operate the SSB account. However, when the DDO list was issued, his name was replaced by that of the former Headmistress, who had already been removed from the charge. He argued that despite submitting applications through proper channel for correction of the DDO record, the matter was allegedly not forwarded to the competent authority. On 31.03.2026, the SSB account, which had been operating in the Petitioner's name, was deleted and reassigned to the former Headmistress without notice to or hearing of the Petitioner. The Petitioner's counsel contends that the acts and omissions of the Respondents are arbitrary, discriminatory, mala fide, without lawful authority and in violation of Articles 4, 9, 18 and 25 of the Constitution, as well as the principles of natural justice. His grievance was ultimately declined on 07.04.2026, leaving him with no adequate and efficacious remedy except to invoke the constitutional jurisdiction of this Court. Accordingly, the Petitioner seeks a declaration that the impugned actions are unlawful and without legal effect, and directions to the Respondents to complete his biometric verification, include his name in the STR/e-Portal, restore his DDO powers and reactivate the SSB account in his name, besides restraining the Respondents from interfering with his lawful functioning as In-charge Headmaster and granting any other relief deemed just and proper.

4. Learned AAG, while controverting the assertions made by the Petitioner, submits that the instant petition is misconceived and based upon an erroneous assumption that the Petitioner, merely by virtue of having been posted/working as In-charge Headmaster, acquired a vested or enforceable right to biometric verification, inclusion of his name in the STR/e-Portal, exercise of DDO powers or operation of the SSB account. He submits that biometric verification and inclusion in the STR/e-Portal are subject to completion of prescribed departmental formalities, verification of record and approval by the competent authority, and no

official assurance or representation can confer a legal right contrary to the applicable procedure. It is further contended that assignment of charge as In-charge Headmaster does not automatically confer DDO powers, as such financial powers can only be exercised by an officer duly authorized by the competent authority and are liable to be changed or withdrawn in accordance with administrative requirements. Likewise, the SSB account is an official account maintained for school purposes, and the Petitioner has no personal or vested right to operate the same; its authorized signatory can be altered by the competent authority whenever considered necessary. The allegations that the Respondents deliberately failed to forward his case, acted with mala fide intention, discriminated against him or violated the principles of natural justice are denied for want of any specific material or particulars establishing such allegations. The fact that the Petitioner continued to attend the school, meetings, trainings or other official assignments does not dispense with the mandatory requirements relating to biometric verification or confer upon him financial powers without valid authorization. It is further submitted that no violation of Articles 4, 9, 18 or 25 of the Constitution has been made out, as the matters complained of essentially relate to departmental administration, authorization of financial powers and maintenance of official records. The grievance of the Petitioner was duly considered by the competent authority and its rejection cannot, by itself, constitute an infringement of any fundamental or vested right. The learned AAG therefore submits that the Petitioner has failed to establish any illegality, arbitrariness, mala fide, jurisdictional defect or violation of law warranting interference by this Court in its constitutional jurisdiction under Article 199 of the Constitution, and the petition, involving disputed questions of fact and matters falling within the administrative domain of the competent authorities, is liable to be dismissed.

5. We have heard the learned counsel for the parties on the maintainability of the petition and perused the record with their assistance.

6. We are of the considered view that the Petitioner has failed to establish any vested or enforceable legal right which could warrant issuance of a writ under Article 199 of the Constitution. The mere fact that the Petitioner was performing duties as In-charge Headmaster does not, in the absence of a specific order of competent authority, confer upon him an indefeasible right to exercise DDO powers or operate the SSB account. Such financial powers are attached to lawful authorization and remain subject to the administrative control of the competent authority; therefore, their withdrawal, alteration or assignment to another authorized officer cannot, by itself, be treated as punitive action or an infringement of a fundamental right. Likewise, biometric verification and inclusion in the STR/e-Portal are matters regulated by departmental procedure and

cannot be directed merely on the basis of alleged assurances or representations of subordinate officials, particularly where the prescribed verification and approval process has not been shown to have been completed in accordance with law. The Petitioner has also failed to place before this Court cogent and specific material demonstrating mala fide, discrimination, colourable exercise of authority or any deliberate violation of law on the part of the Respondents.

7. Mere omission of his name from a departmental list or reassignment of an official financial account does not, without more, attract Articles 4, 9, 18 or 25 of the Constitution. The plea of violation of natural justice is equally without substance, as no adverse civil consequence or penal action against the Petitioner has been demonstrated; rather, the impugned matters concern administrative authorization and allocation of official responsibilities. It is also significant that the Petitioner seeks positive directions requiring the Respondents to confer upon him particular administrative and financial powers, whereas the constitutional jurisdiction of this Court is ordinarily invoked to enforce an existing legal right and not to create or confer an administrative entitlement which is otherwise dependent upon the discretion and authorization of the competent department.

8. The disputed factual assertions regarding forwarding of the biometric case, the circumstances in which the DDO record was prepared, and the subsequent change in the authorized operator of the SSB account cannot, in the absence of clear documentary proof of illegality, be made the basis for granting the extraordinary relief sought.

9. Consequently, we find no jurisdictional defect, violation of statutory right, denial of due process, discrimination or other illegality warranting interference under Article 199 of the Constitution. The Petitioner, however, shall remain at liberty to approach the competent departmental authority, along with all relevant documents, for completion of his biometric verification and consideration of his case for inclusion in the STR/e-Portal in accordance with the prescribed rules and procedure. And just upon approach the respondents shall take remedial measures in accordance with law.

10. Subject to the foregoing observation, the instant Constitutional Petition, is accordingly disposed of.

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