

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 573 of 2026

[Mst. Khadija Jagirani v. Province of Sindh and others]

Before:

Justice Arbab Ali Hakro

Justice Muhammad Osman Ali Hadi

Petitioner by : Mr. Aneet Kumar, Advocate

Respondents by : Mr. Ghulam Abbas Kubar, Assistant Advocate General Sindh along with Ghulam Murtaza Shah, District Education Officer (E,S&HS), Sukkur

Date of Hearing : **09.09.2026**

Date of Decision : **09.09.2026**

ORDER

ARBAB ALI HAKRO J. – This constitutional petition concerns the claim of the petitioner for appointment under the deceased quota following the death of her father while in service, and involves consideration of the omission of Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974 and the subsequent Notification dated 30.04.2026 concerning rights claimed to have accrued prior to 26.09.2024.

2. The petitioner’s father, the late Ahsan Ahmed Jagirani, served in the Education Department as Subject Specialist (BPS-17) at Government Boys Higher Secondary School, Kandhra. He died in service on 15.03.2021. The petitioner, born on 01.01.2001, was a major at the time of her father’s death.

3. Learned Counsel for the petitioner has filed a statement dated 09.09.2026, under which certain documents have been placed on record. Among these documents is a letter dated 16.01.2023, issued by the District Education Officer, Elementary, Secondary & Higher Secondary, Sukkur, which states that the principal of the concerned school, vide his letter dated

03.01.2023, submitted the petitioner's case for appointment against the deceased quota.

4. Learned AAG has filed a statement, along with certain documents, on behalf of respondent No. 3, which are taken on record.

5. Recently, the Notification dated 30th April 2026, issued by the Services, General Administration & Coordination Department (Regulations Wing), Government of Sindh, amends the legal position arising from the omission of Rule 11-A *ibid*. It expressly provides that where a right of employment had accrued prior to 26.09.2024, the legal heir shall not be deprived of the accrued benefit and shall be considered and decided at the level of the Administrative Department, on merit and in accordance with all provisions of the omitted Rule 11-A *ibid*.

6. On the admitted facts, the petitioner's father died in service on 15.03.2021, and the petitioner, born on 01.01.2001, was a major at the relevant time. The documents placed on record through the statement dated 09.09.2026 include a letter dated 16.01.2023 from the District Education Officer, stating that the principal of the concerned school had submitted the petitioner's case for appointment against the deceased quota *vide* letter dated 03.01.2023. The documents further include a letter dated 26.02.2026 from the Director School Education, Elementary, Secondary & Higher Secondary, Sukkur, stating that the petitioner's application, along with relevant documents, had been forwarded to the Secretary, School Education & Literacy Department, Government of Sindh, Karachi. The application dated 10.03.2026, available in the Court's file, therefore, does not appear to be the document upon which the petitioner's claim for the first time arose. In these circumstances, the petitioner's claim for appointment against the deceased quota had matured before the cut-off date and cannot be defeated by the subsequent omission of Rule 11-A or by the interpretation rendered in **PLD 2024 SC 1276**.

7. In view of the statutory mandate contained in the Notification dated 30.04.2026, the matter is referred to the concerned Administrative Department, which shall consider and decide the petitioner’s claim strictly in accordance with the saved Rule 11-A, the said Notification and the applicable service rules, and pass a reasoned, speaking order within ninety (90) days of receipt of this order. With these directions, the instant petition stands **disposed of**.

8. Office is directed to communicate copy of this order to the concerned Administrative Department for compliance through all modes including electronic mode.

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Abdul Basit