HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-965 of 2016

[Mashooque Ahmed vs. Province of Sindh and others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	Through Mr. Ahmed Nawaz Chang advocate
Respondents:	Through Mr. Allah Bachayo Soomro Additional A.G Sindh
Date of hearing	10.11.2026
Date of Decision	10.11.2026

O R D E R

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ADNAN-UL-KARIM MEMON J:- The petitioner has filed the instant Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking directions to the official respondents to issue an offer letter/appointment order in his favour against the post of Primary School Teacher (PST) in Union Council Nawabshah-4, Taluka Nawabshah, District Shaheed Benazirabad, claiming to have secured second position with 81 marks against three advertised vacancies.

2. Learned counsel for the petitioner submits that pursuant to the Teachers Recruitment Policy, 2012 (Round-III), the petitioner applied for the post of PST, appeared in the NTS written test held on 20.01.2013 and secured 81 marks, obtaining second position in UC Nawabshah-4. It is contended that after verification of his documents, the petitioner was called by the District Recruitment Committee (DRC), his school preference was recorded and he was issued a challan for verification of his academic credentials, which, according to him, indicated completion of the selection process. Learned counsel further submits that despite three vacancies being available in the concerned Union Council, only one candidate was initially appointed, whereas the petitioner, being second on merit, was ignored and candidates having lesser marks and/or belonging to other Union Councils were accommodated through favouritism and nepotism. It is contended that the action of the respondents is discriminatory, contrary to the recruitment policy and violative of the petitioner's lawful rights. The petitioner accordingly seeks his appointment with all consequential reliefs and restraint against filling the disputed vacancies.

4. In the comments, respondent No.4 has admitted that three need-based vacancies existed in UC Nawabshah-4, comprising one female and two mixed-

category posts. It is submitted that the petitioner secured 81 marks and stood at Serial No.2 in the passed candidates' list; however, under the Recruitment Policy, 2012, female candidates were entitled to an additional 20 gender marks, which were counted towards their merit. It is further submitted that the female candidate, Mst. Saima Nasreen Qureshi, secured 110 marks and was offered appointment against the female-category vacancy but failed to join. Consequently, another female candidate, Mst. Murk Chandio, securing 104 marks, was considered against the said vacancy. The remaining vacancies were filled in accordance with the applicable merit and category-wise criteria through the DRC. It is, therefore, contended that the petitioner was not recommended as he did not fall within the merit of the relevant category and the last appointed candidates had secured higher marks after addition of gender marks.

6. Respondent No.4 has further maintained that the recruitment process was conducted in accordance with the Teachers Recruitment Policy, 2012, and the petitioner has failed to identify any specific outsider or candidate improperly appointed in his place. It is also contended that the petition suffers from laches, having been filed after an unexplained delay of approximately four years, and that the petitioner has no enforceable right to appointment merely on the basis of his position in the overall merit list.

7. The official respondents have reiterated that the petitioner secured 81 marks and was placed second in the waiting list of UC Nawabshah-4, whereas the candidate at Serial No.1, Mr. Aijaz Ahmed, secured 83 marks. It is asserted that the petitioner could not be recommended due to non-availability of a vacancy in the relevant male category and that the recruitment was undertaken strictly in accordance with the policy. It is further reflected from the record that the petition was earlier dismissed in non-prosecution due to non-appearance of the petitioner. Subsequently, an application under Order IX Rule 9 CPC was filed for its restoration.

8. In compliance with this Court's order dated 18.12.2025, the respondents submitted a separate report regarding verification of the offer letter issued in favour of the petitioner. They stated that no such offer letter was available in the official record and that outward No.2332, relied upon by the petitioner, had actually been issued in favour of Mr. Ghulam Hussain son of Umed Ali Rind. Accordingly, the respondents alleged that the offer letter produced by the petitioner was fabricated and sought dismissal of the petition.

9. We have heard learned counsel for the parties and perused the available record.

10. The principal claim of the petitioner rests upon his securing 81 marks and allegedly standing second in the overall merit list of UC Nawabshah-4 against three advertised vacancies. However, mere placement in the overall merit list does not, by itself, confer an indefeasible right to appointment, particularly where the recruitment policy provides for category-wise allocation of vacancies and additional marks for female candidates. The respondents have explained that the three vacancies comprised one female and two mixed-category posts and that appointments were made in accordance with the applicable merit and category-wise criteria. The petitioner has not been able to demonstrate, through any cogent material, that a candidate having lesser merit in the relevant category was preferred over him in violation of the recruitment policy.

11. More importantly, the claim of the petitioner regarding issuance of an offer letter has been specifically disputed by the official respondents. In compliance with the order dated 18.12.2025, they have categorically reported that no such offer letter exists in the official record and that outward No.2332, relied upon by the petitioner, was actually issued in favour of another person, namely Mr. Ghulam Hussain son of Umed Ali Rind. In the absence of verification or authentication of the alleged offer letter from the competent authority, the same cannot be treated as a valid basis for claiming appointment. The allegation of fabrication, being serious in nature, need not be conclusively determined in these proceedings, particularly when the petitioner has failed to establish the authenticity of the document.

12. It is also relevant that the recruitment process pertains to the year 2013, whereas the petitioner approached this Court after considerable delay, without furnishing any satisfactory explanation for such laches. The constitutional jurisdiction under Article 199 of the Constitution cannot ordinarily be invoked to revive a stale claim, particularly when the recruitment process has already been concluded and third-party rights may have accrued.

13. In view of the foregoing, the petitioner has failed to establish any violation of the applicable recruitment policy, infringement of a legally enforceable right, or arbitrary exercise of authority by the official respondents warranting interference by this Court in its constitutional jurisdiction. Consequently, the instant petition, being devoid of merit as well as suffering from unexplained delay and laches, is dismissed. No order as to costs.

JUDGE

JUDGE

Sajjad Ali Jessar