HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1138 of 2020
[Abdul Haque vs. Province of Sindh and Others]

Before:
JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	By Mr. Rafique Ahmed Leghari, Advocate
Respondents	By Mr. Rafique Ahmed Dahri, Additional A.G Sindh along with Nazar Muhammad Chandio, Senior Program Manager on behalf of Chief Program Manager Reform Support Unit/Respondents No.3 and 4.
Date of hearing	02.11.2026
Date of Decision	02.11.2026

O R D E R
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ADNAN-UL-KARIM MEMON, J. - Petitioners, Abdul Haque and others, have filed the instant Constitutional Petition challenging the HST recruitment process in District Tando Allahyar, seeking inclusion of four vacant posts at GBHS Nasarpur in the district merit list, withdrawal of 20 additional marks awarded to female candidates, and restoration of the originally advertised male-category posts.

2. Learned counsel for the petitioners submits that petitioner No.1 secured 85 marks in NTS test and stood second in District Tando Allahyar; however, despite his position in the merit list, he was denied appointment due to the subsequent award of 20 additional marks to female candidates and conversion of male-category posts into mixed-category posts, neither of which was initially disclosed in the advertisement or recruitment policy. Learned counsel files copies of order dated 08.11.2022 passed in C.P. No.D-2198 of 2014, the final merit list of HST candidates and the joining database of NTS-qualified HST teachers in support of the case. He prayed to allow this petition.

3. Conversely, learned A.A.G., referring to the comments, submits that the posts were advertised in Science and General Categories, including mixed male-female seats, and appointments were made in accordance with the Teacher Recruitment Policy, 2012, under which female candidates were entitled to 20 additional marks. Consequently, the petitioners could not secure appointment due to non-availability of seats in their respective categories. He denied the petitioners' entitlement to appointment, contending that the recruitment was conducted district-wise under Round-III of the Teachers Recruitment Policy, 2012, and not on a UC-wise basis.

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

5. The controversy essentially relates to the legality of HST recruitment process conducted under Round-III Teachers Recruitment Policy, 2012. The petitioners' principal grievance is that 20 additional marks were awarded to female candidates and certain male-category posts were converted into mixed-category posts, thereby affecting their chances of selection. However, the respondents have categorically maintained that the recruitment, allocation of seats and award of additional marks were carried out in accordance with the approved Teachers Recruitment Policy, 2012, which provided for such allocation and additional marks in the mixed category.

6. It is a settled principle that appointments in public service must be made strictly in accordance with the governing recruitment policy, and no candidate acquires an indefeasible right to appointment merely by securing a particular position in the merit list. The petitioner was required to establish that the impugned allocation of seats or award of additional marks was contrary to the applicable policy, discriminatory, or otherwise violative of their fundamental rights. However, he failed to substantiate such allegations. Mere assertion that the additional marks or category-wise allocation were not reflected in the original advertisement, without establishing their inconsistency with the governing policy or demonstrating any illegality in its implementation, is insufficient to invalidate the entire recruitment process.

7. Furthermore, the petitioner has not demonstrated that the four posts at GBHS Nasarpur were legally required to be included in the relevant district merit quota or that their inclusion would necessarily have resulted in their selection.

8. In the absence of any convincing material establishing violation of the applicable policy, mala fide exercise of authority, or unlawful discrimination, no case for interference under Article 199 of the Constitution is made out when the alleged cause of action accrued to the petitioner in the year 2012; however, he filed this petition on 14.10.2020 approximately after about 8 years.

9. Consequently, the petition, being devoid of merit, is dismissed.

JUDGE

JUDGE

Karar_Hussain/PS*