IN THE HIGH COURT OF SINDH CIRCUIT, COURT MIRPURKHAS

C.P. No.D-886 of 2026

Before:
JUSTICE ZULFIQAR ALI SANGI
JUSTICE NISAR AHMED BHANBHRO

Petitioner: Muhammad Ali S/O Muhammad Usman
Through Mr. Javed Chaudhry, advocate.

Date of hearing: 19.11.2026.

Date of decision: 19.11.2026.

O R D E R

ZULFIQAR ALI SANGI, J. Through this constitutional petition, the petitioner seeks a direction to the Secretary, Education Department, Government of Sindh, to discontinue the departmental inquiry allegedly being conducted against certain persons in connection with their purported fake appointments and, instead, to permit the Anti-Corruption Establishment (ACE) to proceed with the inquiry in the matter. The petitioner has further prayed that the simultaneous inquiries being conducted by the Education Department and the Anti-Corruption Establishment be declared unlawful, contending that such parallel proceedings amount to double jeopardy.

2. Learned counsel for the petitioner contends that the allegations pertaining to the purported fake appointments of six persons have already been taken cognizance of by the Anti-Corruption Establishment, Mirpurkhas, and that the initiation and continuation of a parallel departmental inquiry by the Education Department is unwarranted, duplicative and legally impermissible. He submits that the successive inquiries initiated by the departmental authorities are likely to prejudice the rights and interests of the persons concerned and may result in conflicting findings. Per learned counsel, once the Anti-Corruption Establishment has taken up the matter for investigation, the departmental authorities ought not to continue their independent inquiry in respect of the same allegations. He further contends that the petitioner

apprehends that the departmental inquiry may not be conducted fairly and impartially and that, in the absence of confidence in the departmental process, the intervention of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, is warranted. Accordingly, he prays that the departmental inquiry be restrained and the Anti-Corruption Establishment be allowed to proceed in accordance with law.

3. Perusal of the contents of the petition reveals that the petitioner himself is serving as Sweeper-cum-Junior Clerk in the District Education Office, Elementary, Secondary and Higher Secondary Education, Mirpurkhas, and that the controversy relates to alleged fake appointments of six persons. It further transpires that, pursuant to directions issued by the competent authorities, successive inquiries have been initiated by the Education Department, whereas the matter is also stated to be pending before the Anti-Corruption Establishment, Mirpurkhas. The petitioner, being an employee of the very department conducting the inquiry, has approached this Court seeking to restrain the departmental proceedings primarily on the basis of his apprehension of false implication and alleged lack of confidence in the departmental inquiry.

4. We have heard learned counsel for the petitioner and examined the contents of the petition as well as the relief sought therein. The petitioner has failed to demonstrate the infringement of any vested, statutory or constitutional right warranting interference by this Court in its constitutional jurisdiction. The mere fact that more than one inquiry has been initiated by different competent authorities in respect of allegations concerning irregular or fake appointments does not, by itself, constitute double jeopardy. The principle of double jeopardy, in its legal contemplation, ordinarily relates to prosecution and punishment in accordance with law and cannot be extended to prohibit lawful fact-finding or preliminary inquiry proceedings undertaken by competent authorities for ascertaining the veracity of allegations and determining whether further action is warranted. The petitioner has neither demonstrated that the departmental

inquiry is being conducted without lawful authority nor placed any tangible material before this Court to substantiate his allegations of mala fide, bias, arbitrariness or abuse of authority.

5. It is further noteworthy that the petitioner himself is an employee of the Education Department and, rather than allowing the competent authorities to discharge their statutory and administrative functions in accordance with law, seeks to dictate the forum and authority by which the allegations should be examined. The mere pendency of proceedings before the Anti-Corruption Establishment does not divest the departmental authorities of their lawful competence to undertake an administrative or fact-finding inquiry into allegations concerning appointments within their department, unless a specific legal prohibition is demonstrated. The petitioner's apprehension of false implication, alleged lack of confidence in the departmental inquiry, or possibility of an adverse outcome, without substantiation through tangible material, does not furnish a legally tenable ground for prematurely interdicted proceedings through the extraordinary constitutional jurisdiction of this Court. The petitioner, being an employee of the department, is equally under an obligation to cooperate with lawful proceedings and cannot seek their suspension merely on the basis of unsubstantiated apprehensions.

6. The constitutional jurisdiction of this Court is extraordinary in nature and is not intended to be invoked for interfering with ongoing inquiries in the absence of demonstrable illegality, jurisdictional infirmity, mala fide exercise of authority or infringement of an enforceable legal right. The petitioner has failed to establish any such exceptional circumstance. The petition, therefore, appears to be misconceived, premature and devoid of any legally sustainable basis, and the relief sought therein is not founded upon any enforceable legal right.

7. Consequently, this petition is dismissed **in limine**, with costs of **Rs.50,000/- (Rupees Fifty Thousand only)**, to

be deposited by the petitioner in the account of clinic of this Court within seven days from the date of this order. In case of failure to deposit the cost, the office is directed to fix this petition in court for passing an appropriate order.

8. The petition stands dismissed accordingly.

JUDGE

JUDGE