HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-2982 of 2018

[Government Secondary Teachers Association Vs. Province of Sindh & others]

Before:

Justice Adnan-Ul-Karim Memon
Justice Muhammad Jaffer Raza

Petitioner:	Through Mr. Mumtaz Alam Laghari, advocate.
Official Respondents:	By Mr. Rafiq Ahmed Dahri, Addl. Advocate General.
Date of hearing	30.10.2026

O R D E R

ADNAN-UL-KARIM MEMON, J. - Petitioner, Government Secondary Teachers Association, Sindh (GSTAS) district Tando Allahyar, through its President, has filed the instant constitutional petition under Article 199 of the Constitution, seeking direction to respondent No.5 to show under what law and authority he is holding the post of Senior Headmaster (BPS-18), despite allegedly possessing a bogus degree and being ineligible to hold the said post. The petitioner, therefore, calls in question the notification dated 14.05.2018, issued by respondent No.2, on the ground that the same is illegal and without lawful authority. The petitioner further seeks a declaration that the initial appointment of respondent No.5 as Junior School Teacher (JST) on 02.02.1986, as well as his subsequent promotions allegedly obtained based on false and bogus educational certificates, are illegal, unlawful and contrary to law.

2. Learned counsel for the petitioner contends that the petitioner, an Association of Government Secondary Teachers, District Tando Allahyar, through its President, has approached this Court challenging the promotion of Respondent No.5 to the post of Senior Head Master (BPS-18) vide notification dated 14.05.2018. It is alleged that Respondent No.5 initially secured appointment as JST on 02.02.1986 on the basis of fake and bogus educational qualifications and medical fitness certificates, and his subsequent promotions were also obtained through fraudulent documents. It is submitted that, upon complaints made by the petitioner, an inquiry was conducted by the concerned authorities, and the report dated 28.09.2017 allegedly confirmed that the appointment letter, personal ID, promotion orders, qualification certificate and medical fitness certificate of Respondent No.5 were fake and bogus. Despite the said findings and allegations of misappropriation of funds and other irregularities, the competent authority, instead of initiating disciplinary or criminal proceedings, promoted Respondent No.5 to BPS-18 and posted him at N.A. Abbasi Government Boys Secondary School, Landhi, Karachi. The petitioner asserts that repeated representations seeking verification of his service record and disciplinary action have yielded no result due to his alleged political influence. It is, therefore, contended that

Respondent No.5 is not legally qualified or entitled to hold the public office of Senior Head Master, and his promotion is contrary to law, rules and principles of merit. Accordingly, the petitioner seeks a writ of quo warranto against Respondent No.5, setting aside the promotion notification dated 14.05.2018 and declaring his initial appointment and subsequent promotions illegal and without lawful authority.

3. Conversely, learned Additional Advocate General, while referring the comments of respondents, controverts the petitioner's stance and submits that the allegation regarding the genuineness of degree of respondent No.5 was referred to the concerned University for verification of his educational qualifications, namely, B.A., B.Ed. and M.A., vide order dated 30.03.2018. In response thereto, the Controller of Examinations furnished a letter to the concerned department confirming that the degrees of respondent No. 5 were genuine.

4. Prima facie, the controversy revolves around the legality of appointment and subsequent promotion of Respondent No.5 to the post of Senior Head Master (BPS-18), on the allegation that his educational qualifications and service documents were forged and fabricated. The petitioner has relied upon an inquiry report dated 28.09.2017, allegedly identifying irregularities in the service record and certificates of Respondent No.5. However, t learned Additional Advocate General has placed reliance upon the verification obtained from the concerned University, whereby the Controller of Examinations confirmed the genuineness of B.A., B.Ed. and M.A. degrees of Respondent No.5. Such verification directly addresses the principal allegation regarding the authenticity of his educational qualifications, which formed the foundation of the petitioner's challenge.

5. In the absence of any material establishing that the University's verification was subsequently withdrawn, declared invalid or otherwise discredited through a competent forum, the petitioner's allegation, by itself, cannot furnish sufficient basis for issuance of a writ of quo warranto or for declaring the appointment and subsequent promotion of Respondent No.5 void.

6. It is also significant that the extraordinary jurisdiction under Article 199 of the Constitution cannot be exercised merely on the basis of disputed allegations, particularly where the essential requirement of establishing the unlawful occupation of a public office has not been satisfactorily demonstrated. Consequently, no case for issuance of a writ of quo warranto or interference with the impugned promotion notification is made out.

7. The instant constitutional petition is, therefore, dismissed, with no order as to costs.

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