IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Constitutional Petition No.S-593 of 2024

Before:

MR. JUSTICE ZULFIQAR ALI SANGI

MR. JUSTICE NISAR AHMED BHANBHRO

Petitioners: Naeem Hussain & 79 Others

Through, Mrs. Razia Ali Zaman Patoli, Advocate.

Respondents: Province of Sindh & Others.

Mr. Ghulamullah Memon, Additional A.G.

Date of Hearing: 19.11.2026

Date of Order: 19.11.2026

O R D E R

Nisar Ahmed Bhanbhro, J*:* Through the instant petition, the petitioners seek following relief:

a) *This Honourable Court may be pleased to declare the act of respondents for non-issuing the appointment orders and canceling the fitness certificate of petitioners against the different posts in Health department Mirpurkhas only on political base, is illegal, void, malafide and in utter disregard and violation of rules, procedure policy and guaranteed rights of local persons.*

b) *Direct to the respondents for allowing petitioners for doing their jobs at respective posts.*

c) *To direct the respondent to allow the petitioners to join their jobs for which they applied;*

d) *Direct to the respondents for restraining them for not to doing newly appointment on the post above mentioned above and restraining for new advertisement on post for the petitioner have been appointed.*

e) *Cost of the petition be awarded to the petitioners.*

f) *Any other relief, this Honorable Court deems fit and proper under these circumstance, may be awarded.*

2. Learned counsel for the petitioners contended that, pursuant to the advertisement issued by the (District Health Officer) D.H.O., Mirpurkhas, the petitioners applied for different positions in BPS-01 to BPS-15 and appeared in walk-in interviews conducted on 25th, 26th and 27th March, 2013. She further contended that the petitioners were declared successful and offer letters were issued to them including physical fitness, after completion of all formalities. She contended that vide letter dated 04.06.2015, permission for the appointments was granted by Sindh Government, but subsequently, vide letter dated 02.07.2015, the earlier permission to commence the recruitment process was cancelled. She, therefore, contended that the petitioners had acquired the right to issuance of appointment letters, which was denied to them without any reasonable justification. In support of her contentions, she placed reliance upon the judgment dated 14.09.2017 passed by another Division Bench of this Court in C.P. No.D-1644 of 2015. She prayed for allowing this petition.

3. Learned Additional A.G. contended that the D.H.O., Mirpurkhas initiated the recruitment process without obtaining permission from the competent authorities; as such, the recruitment process was declared illegal vide notification dated 02.07.2015. He further contended that, under the appointment rules for recruitment to positions in BPS-01 to BPS-15, a selection committee is required to be constituted in each district, headed by the Deputy Commissioner concerned; however, in the present case, no such committee was constituted, and the recruitment process was made in violation of the law. He further contended that

a departmental inquiry was conducted, wherein the D.H.O., Mirpurkhas, was found guilty, and an FIR was also lodged against him. Consequently, a penalty of two years stoppage of increments in service was imposed upon him for his fraudulent acts. He contended that petitioners obtained offer letters under a fraud practice, therefore, cannot claim appointment.

4. Heard arguments and perused the material available on record.

5. This petition appears to be vague under the law for two reason; firstly that offer letters for appointment were issued to the petitioners in the month of June 2015 and the process was cancelled in July 2015. However, Petitioners maintained this petition in the year 2018, after a lapse of about three years, without any explanation. Thus, the principle of laches would be attracted in the case in hand. Though laches itself did not constitute a ground to defeat the proceedings solely on the ground of delay, yet, if the delay is not properly explained, a person may be dis-entitled from seeking a remedy against an act. Learned counsel for the petitioners, when confronted with the above legal position, took shelter in the orders passed by the learned Division Bench of this Court in another petition. A perusal ,thereof, reflects that, in the said case, the entire process was conducted through a selection committee and appointment letters were also issued to the candidates, which is not the position in the present case. Therefore, the petitioners cannot claim any right in the present matter when their case does not fall within the same circumstances and, in principle, the instant petition is hit by laches.

6. Secondly, on merits. The petitioners' appointment process appears to have been procured through extraneous considerations, not tenable under the law. The principal laws governing recruitment in the Province of Sindh are the Sindh Civil Servants Act, 1973, and the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 (APT Rules). Under the APT Rules, the Administrative

Department is required to act in accordance with the rules and determine the method and qualifications for appointment. The Government of Sindh has constituted a Selection Committee under Rule 05 of APT Rules. Rule 5 reads as under:

> *5. (1) The appointment in Basic Scale-1 to 15 in each Department or office of Government shall be made through the following Departmental Selection Committees:-*
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> **I. SECRETARIAT LEVEL**
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> 1. *Secretary (Services), SGA&CD* ***(Chairman)***
> 2. *Additional Secretary, SGA&CD to be nominated by the Chief Secretary, Sindh.* ***(Member)***
> 3. *Deputy Secretary, Chief Minister Sindh's Secretariat* ***(Member)***
> 4. *Deputy Secretary (General), SGA&CD.* ***(Member)***
>
> **II. PROVINCIAL LEVEL**
>
> 1. *Secretary of the concerned Department* ***(Chairman)***
> 2. *Head of the attached Department (****Member)***
> 3. *Deputy Secretary, SGA&CD to be nominated by the Chief Secretary, Sindh (****Member)***
>
> **III. DIVISIONAL LEVEL**
>
> 1. *Divisional Commissioner* ***(Chairman)***
> 2. *Divisional Head of concerned Department* ***(Member)***
> 3. *Representative of SGA&CD not below the rank of Section Officer to be nominated by the Chief Secretary, Sindh* ***(Member)***
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> ***IV. DISTRICT LEVEL***
>
> 1. *Deputy Commissioner* ***(Chairman)***
> 2. *Head of concerned department at District level* ***(Member)***
> 3. *Representative of SGA&CD not below the rank of Section Officer to be nominated by the Chief Secretary, Sindh.* ***(Member)***
>
> *(2) In each Department or Office of Government, there shall be one or more Departmental Promotion Committees, the*

composition of which shall be determined by the Department concerned in consultation with Services, General Administration & Coordination Department.

(3) Each such Committee shall consist at least three members, one of whom shall be appointed as Chairman.]

7. From perusal of above, it reflects that District Level Committee headed by the Deputy Commissioner and representatives of the SGA&CD and head of the department of District has been constituted for appointments in civil service at District Level. The recruitment in every department at District Level is subject to the recommendation of the Selection Committee. Admittedly in case of petitioners no such recommendation by the Selection Committee is available, contrary the case of the petitioners was never placed before Selection Committee and the appointment letters were issued by D.H.O, Mirpurkhas by its own, thus were beyond his official capacity and a blatant violation of Rule 5 of APT Rules. The Government of Sindh under such circumstances rightly scrapped the appointment process. It further transpired from the record that the incumbent D.H.O was proceeded at Departmental Level and found guilty of the misconduct and involved in corruption and corrupt practices. FIR was lodged against him and he was imposed penalty under Disciplinary Proceedings, which too support the contentions of the learned A.A.G.

8. Recruitment in Government Departments is purely an administrative and internal affair of the concerned department, and this Court sparingly interferes with such departmental powers and merely in the cases where authority has acted in violation of law that resulted in miscarriage of justice. Any appointment made in departure of law, rules cannot sustain and Petitioners' appointment from face of it was a result of the APT Rules, therefore, warrant no interference. The petitioners, through the instant petition, intend to seek their illegal appointments stamped by the Court's process which cannot be permitted. The case of the petitioners is found distinguishable from the case in which the appointments were

affirmed by Learned Division Bench of this Court in the petitions referred hereinabove.

9. For the foregoing reasons, no case for indulgence is made out. The instant petition, being devoid of merits, is dismissed along with pending applications, with no order as to costs.

JUDGE

JUDGE

Approved for reporting

"Adnan Ashraf Nizamani"