

**SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Gulzar Ahmed, CJ  
Mr. Justice Ijaz ul Ahsan

**CIVIL PETITIONS NO.590, 671 AND 696 OF 2021**

[Against the order dated 19.1.2021, passed by the High Court of Sindh, Karachi, in C.P. No.D-2839 of 2017]

***CP.590 of 2021***                      *Shahzad Shahmir and others Vs. Government of Sindh through Chief Secretary, Sindh Secretariat, Karachi and others*

***CP.671 of 2021***                      *Arshad Mehmood and others Vs. Government of Sindh through Chief Secretary, Karachi and another*

***CP.696 of 2021***                      *Muhammad Rizwan and others Vs. Muhammad Azim and others*

For the Petitioners                : Mr. Muhammad Shoaib Shaheen, ASC  
(in CP.590 of 2021)  
Mr. Rafiq Ahmed Kalwar, ASC  
(in CP.671 of 2021)  
Mr. Shahab Sarki, ASC  
(in CP.696 of 2021)

Respondents                        : N.R.  
(in all cases)

Date of Hearing                     : 12.04.2021

**ORDER**

**GULZAR AHMED, CJ.-**    An Agreement dated 28.11.2014, was made between the International Development Association (IDA) and the Province of Sindh, called as "Project Agreement". Clause 8 of the Project Agreement has provided that the Project Development Objective is to raise school participation by improving sector governance and accountability, and strengthening administrative systems, measure student

achievement, and the project supports the Sindh Government's Second Sindh Education Sector Reform Project (SERP-II). The total cost of the project SERP-II is US \$2600 million for which the Sindh Government's financing/share is US \$2200 million and remaining US \$400 million is financed by the World Bank. The period for the implementation of SERP-II was 2013-17.

2. It seems that the Sindh Government has proceeded to implement the SERP-II with the project cost of US \$2600 million in which Sindh Government's own financing/share was US \$2200 million and remaining US \$400 million was financed by the World Bank. Various appointments for implementation of the Project Agreement seem to have been made by the Government of Sindh and the petitioners were also appointed by the Government of Sindh for the implementation of the Project Agreement. The very appointments, made for the Project Agreement, seems to have come up in the High Court of Sindh at Karachi in C.P. No.D-2839 of 2017, where the High Court gave judgment dated 21.05.2018 noting that process of recruitment of Headmaster/Headmistress (BPS-17) initiated by the Government of Sindh was required to be scrutinized and the report was called. Report dated 13.11.2020 was submitted by the Government of Sindh in which it was found that the appointees did not possess qualification, experience and their age was also not in accordance with law, and the applications for appointment to these posts were obtained even after terminal date for submission of the applications.

3. The petitioners seem to have been employed in the project to the posts of Headmaster/Headmistress in BPS-17 on

two years' contract from 12.07.2017. First thing that is to be noted that the very project was for the period 2013-17, how the appointments of the petitioners were made on 12.07.2017 on contract basis when apparently the project itself has ended. We have asked the learned counsel for the petitioners as to whether the project initiated through Agreement dated 28.11.2014, is continuing, he stated that there is no continuation of the project. The learned counsel for the petitioners further contended that the project has not been taken over by the Sindh Government on non-development side of its Budget.

4. This very fact that the project in which the petitioners are alleged to have been appointed is no more in existence and such project having not been taken over by the Sindh Government on the non-development side, we are unable to understand as to how the petitioners were appointed on the posts of Headmasters/Headmistresses in BPS-17 when the very project was not in existence.

5. Be that as it may, the very appointments in BPS-17, as per law, made under Article 242 of the Constitution, have to be made by the Sindh Public Service Commission (**SPSC**) and no contract employment could have been made on such posts. Thus, the appointments of the petitioners, as observed by the High Court of Sindh, Karachi (**the High Court**) in its impugned order, were on their very face illegal and, therefore, in our view, no right whatsoever existed with the petitioners to continue with the employment, more so, when the very contract appointments were not in accordance with law.

6. Be that as it may, the High Court has given certain directions in its impugned order dated 19.01.2021 extending some benefits to the petitioners, though we note that such entitlement to the benefits, apparently, was not available to the petitioners.

7. In view of the above, we find no merit in these petitions, which are dismissed and leave refused.

**CHIEF JUSTICE**

Bench-I  
Islamabad  
12.04.2021  
'NOT APPROVED FOR REPORTING'  
Mahtab/\*

**JUDGE**