



DECISION

Complaint No. POS/ROK-219/(Khp)/2024

Name and address of the complainant Mr. Muzamil, S/o Ghulam Sarwar Siming,
R/o Village Siming,
Taluka & District Khairpur.

Name of the Agency Complained against Education Department
:

Name & Designation of Investigating Officer **AHMED BAKHSH GHUMRO,**
Consultant / Incharge, Regional Office Khairpur
:

Vetted by Mr. Ghulam Sarwar, Advisor-J
:

Subject **REQUEST FOR RELEASE OF SALARY TO THE COMPLAINANT, APPOINTED AS A JEST ON DISABLE QUOTA.**

COMPLAINT

Mr. Muzamil Siming filed a complaint on 05-11-2024 stating that he was appointed as a Junior Elementary School Teacher (JEST) (BPS-14) on 02.08.2023 under the Disable Quota in the Education Department. He alleged that his salary had not been released due to pending database verification/confirmation from the Secretary, Education & Literacy Department. He, therefore, sought intervention from this Institution.

PROCEEDINGS

02. The complaint was admitted under section 10 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (amended up to date), by condoning the delay in filing it and subject to submission of an Affidavit on Form "A".

03. Upon completion of codal formalities, the matter was taken up with the Secretary, School Education & Literacy Department, Government of Sindh, Karachi, through a letter dated 26-11-2024 for seeking comments. In response, the Assistant Director (HR&T), Directorate General of HR & Training, School Education & Literacy Department, Government of Sindh reported on 14-01-2025 that in light of a decision by the Sindh Cabinet, the department had issued a notification dated 08-12-2021, whereby the passing criteria for differently-abled candidates was reduced to 33%. However, the Hon'ble High Court of Sindh, Sukkur Bench, vide its order dated 12-01-2023 in CP No. D-297 of 2022 restrained the department from issuing appointment order(s) to candidates who secured less than 40% marks. The operative part of the court order reads:

"with regard to policy for appointment below 40% marks, this Court takes judicial notice and restrain the School Education Department to recruit or issue any appointment order to any candidate who secured / obtained below 40% marks, even in the hard areas."

(Continued at P/2)

04. Furthermore, the Services, General Administration and Coordination Department (SGA&CD), vide its letter No. SOR-II(SGA&CD)3-78/2023 sought the opinion of the Advocate General Sindh on the interpretation of the aforementioned court order. The Advocate General's Office, vide letter No. AG-4996 of 2024 dated 14-09-2024, opined that:

"The Recruitment Policy, 2021 is challenged in CP NO. D-508/2023 and D-509/2023 and the said matter is now part heard before the Division Bench Karachi for further arguments, therefore, after final adjudication of above CPs, this office will be in better position to advice in respect of the above subject."

05. The complainant was informed of the above position by the Investigating Officer. Therefore, the complainant submitted an application stating that prior to his appointment as JEST, he secured 49% marks in the PST's test and subsequently appointed by the competent authority, was serving as a Primary School Teacher (PST). Due to financial difficulties and with permission from the Education & Literacy Department, he had rejoined the post of PST and confirmed that he had resumed receiving salary for that post. He requested for closure of the case.

FINDINGS

06. The complainant has rejoined the post of PST and presently drawing his salary for the said post. Regarding his appointment as JEST, the case is subjudice before the Honourable High Court of Sindh, Karachi.

DECISION

07. In view of the above, the complaint is hereby **disposed of and consigned to record**.

"Given under my hand and seal of office"



Sd /-
(Muhammad Sohail Rajput)
Sitara-e-Imtiaz. PAS
Ombudsman, Sindh
Karachi, dated 7th May, 2025