



DECISION

Complaint No. : POS/2629/2023/ NFZ-24

Name and address of the complainant : Syed Ayaz Ali Shah S/o Syed Laiq Shah,
C/o. Ali Laboratory, Global Market, Mehrabpur,
Taluka Mehrabpur, District Naushahro Feroze

Name of the Agency Complained against : Education Department

Name & Designation of Investigating Officer : Khalid Shaikh,
Regional Director, N'Feroze

Vetted by : Fasihuddin Khan,
Advisor 'Z'

Subject : ALLEGED DELAY IN APPOINTMENT OF THE
COMPLAINANT AS JUNIOR ELEMENTARY SCHOOL
TEACHER (JEST) AGAINST THE QUOTA FOR
DISABLED PERSONS

THE COMPLAINT

Syed Ayaz Ali Shah filed a complaint on 31.03.2023 stating therein that he applied for the post of JEST in Education Department against the disabled persons' quota and cleared the written test conducted by IBA, Sukkur. Currently he was working as PST and had been interviewed twice by the District Recruitment Committee, N'Feroze for selection as JEST. But the District Education Officer (DEO), N'Feroze informed him that in view of limited number of vacancies he would be awarded an Offer Order in the third phase of recruitment. Thereafter, he met the Director, Schools Education, Shaheed Benazirabad and Manager, Human Resources, Karachi for consideration of his request but all in vain. He, therefore, solicited intervention of this Institution for relief.

PROCEEDINGS

2. The complaint was admitted u/s 10 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (amended up to date) by condoning the delay and subject to submission of original signed complaint, a copy of CNIC and mandatory Affidavit on Form 'A' alongwith other relevant documents. After completion of all the requisite formalities, the matter was taken up with the DEO (ES&HS), N'Feroze for report vide letter dated 25.05.2023 followed by reminders.

3. On 21.11.2023, the DEO N'Feroze submitted his report that according to the Teacher Recruitment Policy, 2021, 5% statutory quota from the total sanctioned strength for each post was to be reserved for physically challenged persons. Accordingly, initially in the first phase of appointment, there were 95 vacancies of JEST (BPS-14) at Taluka Mehrabpur and as per 5% ratio 5 seats for disabled candidates were allocated at the said Taluka. The District Selection Committee (DSC), N'Feroze recommended 5 disabled candidates with written test score ranging from 54 to 42 marks. No disabled candidate was appointed in the second phase due to non availability of vacancy under the said quota. The 3rd phase was started in April 2023, there were 26 seats for JEST and the DSC,

N'Feroze scrutinized documents of the candidates including the complainant. Meanwhile, the Hon'ble High Court of Sindh, Bench of Sukkur passed an Order dated 26.01.2023 in the Constitution Petition No.D-297/2022 whereby it was prohibited to continue appointment of candidates below 40% marks. Objection was raised by the DSC and the case of appointment against disabled persons' quota on less than 40% marks was withheld. Again in 2023, the whole recruitment process in School Education & Literacy Department was frozen till further orders vide Notification No.SO(S-I)SE&LDMisc/HCS/1564/2023 dated 16th August, 2023. Hence, the case of the applicant would be sent to higher authorities for clarification regarding appointment against disabled quota and the applicant would be appointed if his case is covered under the approved policy.

4. The above report of the Agency was shared with the complainant for rejoinder, if any, vide letter dated 23.11.2023. On 20.12.2023, the complainant submitted rejoinder stating that his documents were verified by the Director and the District Recruitment Committee but the Education Department failed to issue appointment order and the DSC appointed those candidates in first phase who secured 33 marks whereas he had secured 38 marks but was not considered for appointment.

5. The matter was fixed for hearing on various dates by the Investigating Officer. Both the parties appeared in the hearing held on 20.02.2024 and the complainant requested for some time to submit his final reply. After further correspondence in the matter, hearing was fixed on 11.06.2024, attended by the DEO while the complainant did not turn up. On the other hand, record shows that the complainant has also filed CP No.1273 of 2023 before the Hon'ble High Court of Sindh Bench at Sukkur on the same subject. As per law, the complainant cannot pursue his case at two places on the same subject thus his complaint is barred by law.

DECISION

6. In view of the above, further proceedings are hereby stopped and the complaint is disposed of as subjudice.

Given under my hand and seal of Office.



Sd /-
(MUHAMMAD SOHAIL RAJPUT)
 Sitara-e-Imtiaz - PAS
 Ombudsman, Sindh

Karachi, dated

30th January, 2025