

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Constitutional Petition No. D-4783 of 2026
(Shafique Ahmed Khan versus Federation of Pakistan and others)

Date	Order with signature of Judge
	Mr. Justice Adnan-ul-Karim Memon Mr. Justice Muhammad Jaffer Raza

Date of hearing & orders: 03.8.2026

Mr. Muhammad Ramzan, advocate for the petitioner.

ORDER

Adnan-ul-Karim Memon, J. Petitioner has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- a. To pass appropriate directions to the Respondent No.1 & 2 to issue Appointment Letter for the Post of General Manager Security to the Petitioner, in view of the Clause No.3, of the Letter dated.9th June-2026, No.A&P/CP&HR/2026/P-10364 dated.9th June-2026. vide on the same terms and conditions as per Offer Letter*
- b. To restrain the respondents, their officers, officials, persons, employees etc, from Creating any Third Party Interest /or Appoint any other person(s) on the same Post of General Manager Security till the final decision of the instant Petition.*
- c. To direct the respondent No.2 to verify the Ph.D Degree of the Respondent No.3 to ascertain the real facts whether the respondent No.3 possessing genuine or fake Degree of Ph.D.*
- d. To pass any appropriate Order as deem fit and proper under the circumstances of the case.*

2. Learned counsel for the petitioner submits that pursuant to an advertisement dated 24.05.2026, the petitioner applied for the post of General Manager (Security) and appeared before the Selection Board. It is contended that after the interview, a merit list was prepared wherein Respondent No.3 stood first, the petitioner stood second, and another candidate stood third. Reliance has been placed upon Clause 3 of the merit/selection proceedings, which provides that the post shall be offered in accordance with the merit list and, in case of non-availability of the first-ranked candidate, the next candidate in the order of merit may be offered appointment. It is further submitted that an offer of appointment was issued to Respondent No.3 on 09.06.2026 requiring him to join within fifteen (15) days; however, according to the petitioner, Respondent No.3 failed to join the post within the stipulated period. Despite representations made by the petitioner requesting issuance of the appointment letter in his favour, no decision has been communicated by the respondents. Learned counsel further alleges that Respondent No.3 may have relied upon a questionable educational qualification, for which a separate complaint has also been made, and seeks a direction for verification thereof.

3. We have considered the submissions advanced by the learned counsel for the petitioner on the maintainability of the petition and examined the material available on record.

4. It is an admitted position that the petitioner participated in the recruitment process and was placed second in the merit list.

5. The principal grievance of the petitioner is that Respondent No.3 failed to join the post within the prescribed period of fifteen days and, therefore, in terms of Clause 3 of the selection proceedings, the appointment ought to have been offered to the petitioner. However, no material has been placed on record to demonstrate that Respondent No.3 was finally declared disqualified, that his offer of appointment stood cancelled by the competent authority, or that the recruitment process had reached the stage where the petitioner acquired an enforceable legal right to claim appointment as a matter of course.

6. Mere placement in a merit list or inclusion in a waiting list does not, by itself, confer an indefeasible or vested right to appointment unless the relevant recruitment rules or policy expressly create such entitlement.

7. It is equally well settled that the issuance of a writ of mandamus under Article 199 of the Constitution is contingent upon the existence of a clear legal right in favour of the petitioner coupled with a corresponding statutory obligation on the part of the respondents.

8. In the present case, the petitioner has failed to establish that the respondents were under a mandatory legal duty to issue an appointment letter in his favour immediately upon the alleged non-joining of Respondent No.3.

9. The question whether Respondent No.3 joined within time, whether any extension was granted by the competent authority, or whether his appointment was subsequently cancelled are matters falling within the administrative domain of the appointing authority and cannot be presumed in constitutional proceedings without cogent evidence.

10. The petitioner's further prayer seeking verification of the educational qualification of Respondent No.3 is likewise not maintainable in these proceedings. Verification of educational credentials is a matter exclusively within the competence of the employer and the concerned degree-awarding institution. Unless it is demonstrated that the competent authority has failed to discharge a statutory duty or has acted mala fide, arbitrarily, or in violation of law, this Court would not embark upon a roving inquiry into disputed questions of fact in exercise of its constitutional jurisdiction.

11. It is a settled principle that judicial review under Article 199 is directed against illegality, arbitrariness, mala fide, or violation of mandatory statutory provisions, and not against administrative discretion exercised in accordance with law. No material has been produced before this Court to establish that the respondents have acted unlawfully, discriminated against the petitioner, or violated any mandatory provision governing the recruitment process. The controversy raised by the petitioner involves disputed factual issues which cannot appropriately be adjudicated in constitutional proceedings.

12. Consequently, the petitioner has failed to establish the infringement of any vested or enforceable legal right warranting interference by this Court in exercise of its constitutional jurisdiction under Article 199 of the Constitution.

13. The instant petition, being devoid of merit, is dismissed in limini along with the pending applications, if any.

JUDGE

JUDGE

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