

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI.**  
**C.P No. D-572 2025**  
**(Khadim Hussain v Province of Sindh & others)**

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Dated \_\_\_\_\_ Order with signature of Judge.

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Before:-  
Mr. Justice Adnan-ul-Karim Memon  
Mr. Justice Zulfiqar Ali Sangi

**Date of hearing and order:- 17.02.2026.**

Mr. Ali Asadullah Bullo, Advocate for Petitioner.  
Mr. Ali Safdar Debar, AAG.  
Mr. Shahid Chaudhry, DSP/ SPU, Karachi and Mr. Raza Mian,  
DSP-Legal-Ii, CPO.

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**ORDER**

**Adnan-ul-Karim Memon, J** Petitioner Khadim Hussain filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 seeking declaration that rejection order dated 10.12.2024 is illegal to the extent of the Petitioner and for direction to the Respondents to allow him to undergo final medical examination for appointment as Assistant Sub-Inspector (ASI).

2. Learned counsel for the Petitioner submitted that in 2024 the Respondents advertised posts of Sub-Inspector (BPS-09) for Special Protection Unit (CPEC), which were referred to Sindh Public Service Commission. After qualifying written test and interview, the Petitioner was declared successful and recommended for appointment as ASI vide press release dated 29.07.2024. During verification, a criminal case was found recorded against the Petitioner in the Crime Record Office; however, upon verification from the trial Court, the Petitioner had already been acquitted vide order dated 05.10.2022.

3. It was contended that after such acquittal, withholding of appointment is unlawful and contrary to Section 15 of the Sindh Civil Servants Act. Reliance was also placed upon order dated 02.01.2025 passed by the Supreme Court of Pakistan in CPLA No.14-K of 2023 ( Re-Government of Sindh vs. Sudhir Ahmed), wherein it was held that mere past criminal record after acquittal does not bar appointment in police service.

4. Learned AAG referred to amendment in Sindh Police Recruitment Policy, 2022 dated 05.08.2022, which provides that a candidate cleared in criminal proceedings within six months shall have his case scrutinized by the Sindh Police Recruitment Board for suitability.

5. In view of the above facts, it is an admitted position that the Petitioner, after having successfully qualified the recruitment process conducted through the Sindh Public Service Commission, was duly recommended for appointment as Assistant Sub-Inspector (ASI). The only impediment in issuance of the appointment letter was the pendency of a criminal case; however, the record reflects that the Petitioner had already been acquitted by a competent Court of law vide order dated 05.10.2022, prior to the finalization of the selection process/recommendation.

6. It is now a settled proposition of law that mere involvement in a criminal case, culminating in acquittal, does not constitute a disqualification for appointment in public service, unless the acquittal is on technical grounds or the employer, for valid reasons recorded in writing, finds the candidate unsuitable on the touchstone of conduct or moral turpitude. Reliance in this regard is placed upon the judgment dated 02.01.2025 passed by the Hon'ble Supreme Court of Pakistan wherein it has been held that past criminal proceedings ending in acquittal cannot, by themselves, be made a basis to deny appointment to a candidate who has otherwise been selected on merit.

7. Furthermore, the law provides that where a candidate is cleared in criminal proceedings within six months from publication of the final merit list, his acquittal shall be scrutinized by the Sindh Police Recruitment Board for determining suitability. However, in the present case, the petitioner was recommended by SPSC and only Government of Sindh may withhold the offer of appointment subject to all just exceptions as provided under the law.

8. In the present case, not only has the Petitioner been acquitted prior to such period, but no adverse material has been brought on record to demonstrate that the acquittal was not honorable or that the Petitioner suffers from any disqualification rendering him unsuitable for police service. Thus, withholding issuance of appointment letter in the peculiar facts of the case is neither supported by law nor by the governing recruitment policy and is violative of the Petitioner's vested legal right accrued pursuant to his lawful recommendation for appointment by the SPSC.

9. Accordingly, the instant petition is disposed of with direction to the Inspector General of Police, Sindh, to implement the recommendation of the SPSC and issue offer letter to the Petitioner, subject to verification of his credentials and medical test in accordance with law if he is found fit for the subject post. However, the aforesaid exercise shall be undertaken within two weeks.

JUDGE

JUDGE