

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-1456 of 2025
(*Dost Ali Soomro & another v Province of Sindh & others*)
C.P. No.D-2509 of 2025
(*Ali Asghar & others v Province of Sindh & others*)

Date	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. Israr Ahmed advocate for the petitioners.

Mr. Ali Safdar Depar, AAG

ORDER

Adnan-ul-Karim Memon, J. – The petitioners have filed the captioned Constitutional Petitions under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer(s): -

- a) To declare that the acts of the respondents are illegal, unlawful, unconstitutional, and contrary to law, while depriving the rightfully eligible candidates to appoint sourceable ineligible, thus declare the final merit list issued by the respondents as null, void, and ab-initio;*
- b) To direct the Respondents to discharge their duties as per law and issue appointment letters to the above-named petitioners to their applied post on merit;*
- c) To restrain the official respondents, their agents, employees, companions, workers, colleagues, friends, relatives, persons, and or anyone acting on their behalf from finalizing the list of the BPS-07 candidates and restraining them from appointing any candidate to the post of BPS-07 till the final disposal of the instant petition and without due course of law.*

2. Learned counsel for the petitioners submits that the petitioners are entitled to all fundamental rights guaranteed under the Constitution of 1973. He contends that petitioners had applied for the post of Police Constable (BPS-07) pursuant to an advertisement issued by the respondents in the Daily Kawish Newspaper. It is argued that after scrutiny of their academic credentials, the petitioners were declared eligible and were called for physical and written tests, wherein they successfully qualified by securing marks above the prescribed criteria. Thereafter, they were called for viva voce at the office of respondent No.04, where they were informed by certain officials that political influence would play a decisive role in the final selection process. Learned counsel further submits that despite

having completed all stages of recruitment, the petitioners were subsequently declared unsuccessful at the stage of verification on the ground that FIR No.177 of 2024 had been registered against them in C.P. No. D-1456/2025 at P.S. Sujawal. However, the said FIR arose out of a local quarrel, and the report was later submitted under 'C-Class' vide order dated 28.08.2024. It is urged that the petitioners in C.P. No. D-2509 of 2025 were also acquitted from subject crime by the trial court vide judgment dated 18.05.2024, 6.02.2024, 12.11.2024, 11.9.2024, 25.11.2025 and 20.03.2025, thereby exonerating them of any criminal liability. It is maintained that similarly placed candidates had approached this court through Constitution Petition No.D-423/2025, and interim relief had been granted in their favour, while several identical petitions are also pending adjudication before different benches of this court. Counsel contends that the petitioners had secured higher marks in the written and physical tests than many candidates who were ultimately selected, yet their names were omitted from the final merit list on extraneous and mala fide considerations on the plea that they failed in the interview. Such omission, it is argued, reflects discrimination, nepotism, and political interference in the recruitment process, thereby depriving the petitioners of their lawful right to appointment on merit based on the past criminal record. It is lastly submitted that, having been unlawfully deprived of appointment despite fulfilling all requisite criteria, the petitioners have no alternate efficacious remedy and have invoked the constitutional jurisdiction of this Court for redress of their grievance. He prayed to allow these petitions.

3. Learned AAG submits that the petitioners' claims are misconceived and without merit. He contends that the recruitment process for the post of Police Constable (BPS-07) in District Sujawal was conducted strictly in accordance with the Sindh Police Recruitment Policy and the revised procedures prescribed under the Sindh Police Recruitment Policy-2022. It is submitted that the petitioners participated in the recruitment

process, including physical, written, and interview tests, which were conducted by an independent Recruitment Committee comprising representatives from DIGP/Sukkur Range, District Police, SIBA Testing Service, CPLC, and Pakistan Army, ensuring transparency and impartiality. Learned AAG further submits that during the verification process, it was discovered that criminal cases had been registered against the petitioners. Although the report was subsequently submitted under 'C-Class', therefore acquittal of the subject crime as discussed supra as such the existence of the FIR was a legitimate ground for disqualification as per the recruitment policy, which emphasizes the need for candidates to have a clear criminal record. He contends that the petitioners failed in the viva voce/interview stage by securing marks below the minimum threshold of 50%, which is a mandatory requirement under the Sindh Police Recruitment Policy-2022. Consequently, their names were correctly omitted from the final merit list. He argued that the fact that other candidates with lower academic marks were selected does not establish mala fide or political interference, as merit is determined based on cumulative performance in written, physical, and interview assessments, not academic qualifications alone. Learned AAG also points out that similar petitions filed by other candidates challenging their disqualification are pending adjudication, and interim orders issued in those cases do not automatically entitle the petitioners to relief. It is lastly submitted that the petitioners' allegations of favoritism, nepotism, and political influence are speculative and unsupported by any evidence. He emphasized that the respondents have conducted the recruitment process in accordance with the law and established policy. Therefore, the petitions are liable to be dismissed with costs, and the final merit list and appointments made by the respondents be upheld.

4. In view of the foregoing submissions advanced by the learned counsel for the parties and upon perusal of the material available on record, it transpires that the candidature of the

petitioners was primarily discarded at the stage of verification on account of registration of criminal cases against them. Subsequently they were shown failed in the interview. Admittedly, the said criminal proceedings did not culminate into conviction; rather, the report was submitted under 'C-Class' vide order dated 28.08.2024 and their acquittal in criminal cases by the competent courts, thereby exonerating the petitioners of any criminal liability.

5. It is now a well-settled principle of law that mere registration of an FIR, in the absence of conviction, cannot be treated as a disqualification to deprive a candidate from public employment. In this regard, reliance may safely be placed upon the dictum laid down by the Supreme Court of Pakistan in its various pronouncements, wherein it has been held that unless a person is convicted by a court of competent jurisdiction, the pendency or past registration of a criminal case cannot be made the sole basis to deny appointment in service. Similarly, the Supreme Court was pleased to observe that stigma attached to mere involvement in a criminal case loses its significance once the matter has been disposed of without any finding of guilt.

6. Likewise, it is settled that where criminal proceedings against a candidate end in acquittal or otherwise do not result in conviction, such proceedings cannot operate as a perpetual bar against his employment in public service. Therefore, to the extent of rejection of the petitioners based on the aforesaid FIR, which has already culminated in its logical conclusion under 'C-Class' and their acquittal by the trial court as such the impugned action of the respondents cannot be sustained in the eyes of the law.

7. However, the contention of the respondents that the petitioners failed to secure the minimum qualifying marks in the viva voce/interview constitutes a separate and distinct consideration which relates to their suitability for appointment.

8. We are of the considered view that determination of such suitability falls within the exclusive domain of the competent authority and cannot be conclusively adjudicated by this Court in exercise of constitutional jurisdiction under Article 199 of the Constitution. However, the petitioners have raised their voice of concern that they were deliberately shown as failed in the interview. However this aspect of the case shall be looked into by the competent authority of the respondents.

9. In the peculiar facts and circumstances of the case, it would meet the ends of justice if the matter relating to the interview performance of the petitioners is reconsidered by the competent authority, namely the office of the Sindh Police, through the Inspector General of Police, Sindh. Accordingly, these petitions are disposed of with the following directions:

- a) ***The rejection of the petitioners' candidature based on the aforesaid criminal case, which has already been disposed of in their acquittal, is declared to be unlawful and of no legal that effect.***
- b) ***The Inspector General of Police, Sindh, is directed to cause re-interview of the petitioners through a duly constituted Recruitment Committee or DIGP of good reputation so nominated by the IGP Sindh strictly in accordance with the Sindh Police Recruitment Policy-2022.***
- c) ***In case the petitioners are found to have secured the minimum qualifying marks and are otherwise suitable for appointment, to the subject post, their candidature shall be considered afresh on merit for the post of Police Constable (BPS-07) in District Sujawal.***

The aforesaid exercise shall be completed within a period of one (01) month from the date of receipt of this order.

JUDGE

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