

# HIGH COURT OF SINDH AT KARACHI

**Before:**

**Justice Muhammad Saleem Jessar**

**Justice Nisar Ahmed Bhanbhro**

## **CONST. PETITION NO.D-4194 OF 2025**

*(Muhammad Talha Hasan v. The Chairman, SPSC & Ors.)*

Petitioner : Through Mr. Muhammad Irfan Khan,  
Advocate

Respondents : Through M/s. Hakim Ali Shaikh, Addl.  
Advocate General Sindh and Sagheer  
Ahmed Abbasi, Assistant Advocate  
General Sindh alongwith Assistant  
Director Jawad Ahmed, SPSC.

**Date of hearing and order: 05.03.2026**

### **ORDER**

**NISAR AHMED BHANBHRO, J.** Through this petition, petitioner has claimed following reliefs:

*"a) To declare that the action of the Respondents is illegal and malafide by setting aside/suspending the impugned orders dated 10-06-2025 (Annexure "E") and rejection order dated 14-07-2025 (Annexure "I") being illegal, unlawful, void ab-initio, discriminative and against Article 9 and 25 of the Constitution of Pakistan.*

*b) To direct the Respondents to give the same treatment to the petitioner as provided to other candidates mentioned at S.No: 26, 28, & 33 of Rejection List dated 10-06-2025 (Annexure "E") as the said candidates have been declared qualified vide orders dated 28-07-2025 (Annexure "J") for the appointment of ASI and further direct the Respondents to issue appointment letter to the petitioner to the post of ASI by issuing revised list for appointment*

*to the post of ASI in reference to the said orders dated 28-07-2025  
& insert the name of the petitioner therein.*

*c) To grant any other / further or better relief which this Hon'ble  
Court may deem fit and proper."*

2. Counsel for the petitioner contended that the petitioner applied for the post of Assistant Sub-Inspector (ASI) pursuant to Advertisement No. 06 of 2024 dated 19<sup>th</sup> July 2024. The petitioner appeared in the written examination and secured 50 marks, as a result of which he was declared to have passed the written part of the examination. However, his candidature was rejected on the ground that he did not possess a Bachelor's Degree at the relevant time. Learned counsel submitted that at the time of the interview the petitioner had already obtained the required Bachelor's Degree, which was duly submitted before the Sindh Public Service Commission (SPSC) but Commission failed to consider the same and rejected the petitioner's candidature through a non-speaking order. He contended that such rejection amounted to a violation of the petitioner's fundamental rights, particularly to that of a fair opportunity to participate in the recruitment process. Therefore, learned counsel for the petitioner prayed that this petition may kindly be allowed, the impugned orders dated 10.06.2025 and 14.07.2025 may be set aside and the respondent SPSC may be directed to conduct the interview of the petitioner for the post of ASI.

3. Learned Additional Advocate General, Sindh, while controverting the submissions, contended that the last date for applying for the post of ASI as per advertisement was 09.08.2024, and on the cut-off date the petitioner was studying in the Bachelor of Science in Electrical Engineering Technology program at Indus University. He further submitted that the petitioner passed the Bachelor's Degree examination in February 2025; therefore, he was not eligible to apply for the post, as on the cut-off date he did not possess the required qualification. He, therefore, prayed that this petition may be dismissed.

4. Heard arguments and perused the material made available before us on record.

5. From the perusal of the record it transpired that the SPSC issued / published an advertisement No.06 of 2024 dated 19.07.2024 inviting the application for recruitment to the post of ASI (the said post) wherein the qualification of the said post was mentioned herein under:

01	Assistant Sub Inspector (BPS-09)	<p>I. 2<sup>nd</sup> Class Bachelor's Degree in any subject.</p> <p>II. Candidate(s) must have following physical measurement:</p> <p><b><u>MALE:</u></b>  Minimum Height of 5' x 5" (Minimum)  Minimum Chest 33" -34"  Running 1600 meters in 08 minutes.</p> <p><b><u>FEMAL:</u></b>  Minimum Height of 5' (Minimum)  Running 800 meters in 14 minutes</p>	1821	21-28
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6. Per advertisement, the closing date for submission of online applications was 09.08.2024. However, the record produced shows that the petitioner qualified for the Bachelor's Degree in the month of February, 2025, therefore he did not fulfil the eligibility criteria prescribed in the advertisement. The petitioner, by suppressing this fact, submitted his application, which was initially accepted provisionally and he was allowed to appear in the written part of the examination, wherein he obtained 50 marks and was declared to have passed the same. When the credentials of the petitioner were scrutinized, it was found that he did not possess a Bachelor's Degree on the closing date; therefore, his candidature was rejected. Thereafter, the petitioner preferred an appeal under the SPSC, Recruitment Management Regulations, which was heard and rejected. Admittedly the petitioner lacked the requisite qualification on the closing date for submission of applications, therefore was not eligible to apply for the post. The recruitment process per Sindh Civil Servants (Appointment, Promotion & Transfer) Rules 1974, commences with the issuance of an advertisement inviting applications through publication in newspapers. In the advertisement, eligibility criteria is specifically mentioned. The candidate failing short of the required eligibility criteria determined for the post at the time of submission of the application is precluded from participation in the competitive process. The petitioner

lacked such qualification; therefore, his candidature on scrutiny was rejected. No exception, thus can be taken to the orders dated 10.06.2025 and 14.07.2025, passed by SPSC, that may warrant interference by this Court in its writ jurisdiction. So far as the case of other two candidates namely Anas Malik and Kashan Qasim Mughal is concerned, their academic credentials placed on record by SPSC in the reply evidenced that they passed bachelors degree Examination on 01.08.2024, prior in time to the closing date, as such they were rightly entertained.

7. For the foregoing reasons, no case for interference of this Court is made out, this petition is accordingly dismissed along with listed applications.

**JUDGE**

**JUDGE  
HEAD OF CONST.BENCHES**

**Approved for reporting**