

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-3510 of 2025

[Ashiq Ali V Province of Sindh and others]

Date	Order with signature of Judge(s)
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Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and Order: 05.03.2026

Ms. Nousheen Khan Tajjammul and Mr. Tajjammul H. Lochi, Advocates for Petitioner.

Mr. Abdul Jaleel Zubedi, A.A.G.

Mr. Raza Mian, DSP Legal-II, CPO, Karachi.

ORDER

Adnan-ul-Karim Memon, J. – Petitioner Ashiq Ali has filed this Constitution Petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, seeking following relief:-

- a) *That this Honorable Court may be pleased to direct the Respondent to look into matter of the Petitioner in accordance with law grant him 15 Grace marks and issue an appointment letter in favor of the Petitioner for the post of Constable (BPS-7).*
- b) *To grant any other relief which deems fit and proper, under circumstances of case.*

2. It is the case of the petitioner that he applied for the post of Police Constable (BPS-07) in Sindh Police following the advertisement issued on 24.03.2024. He successfully cleared the physical and written tests conducted by SIBA Testing Service and appeared for the interview before the SSP Shikarpur, where he performed well. Being a child of a serving police officer, he was entitled to 15 grace marks under the recruitment policy. He submitted that despite fulfilling all eligibility criteria and completing the verification process, the petitioner's name did not appear in the final merit list.

3. The petitioner's counsel contended that he was discriminated against, as other candidates entitled to similar grace marks were considered while he was denied this benefit, constituting a violation of Articles 25 and 27 of the Constitution, fundamental rights, and the Sindh Police Recruitment Policy. She submitted applications and legal notices to the respondents for redressal, but no action was taken, causing financial and moral hardship. She prayed to allow this petition.

4. The respondents, through learned AAG, submitted that the petitioner failed the interview, obtaining 16 marks out of 50, below the required 25 marks. He clarified that the Recruitment Committee conducted the selection process in accordance with the Sindh Police Recruitment Policy, and appointments were issued strictly based on merit and codal formalities. Learned AAG maintained that the petitioner's departmental appeals were not under the purview of Respondent Nos. 2 & 3, and thus, the petition merits no consideration. He pointed out that the petitioner, therefore, sought a direction from this Court to grant him 15 grace marks and issue an appointment letter as Constable (BPS-07), arguing that his exclusion from the merit list was unlawful and discriminatory. He prayed to dismiss the petition.

5. We have heard the learned counsel for the parties and perused the record with their assistance.

6. In the present petition, the core grievance of the petitioner is the non-award of *15 grace marks* which he claims is provided under the Sindh Police Recruitment Policy to children of serving or retired police personnel. In response to this, the respondents assert that the petitioner failed the interview and therefore could not be considered for appointment under the recruitment policy.

7. This Court has recently addressed the issue of *additional 15 marks* in police recruitment petitions and clarified the proper application of the rule: the provision for 15 additional marks applies only to candidates who have already *qualified the interview*; it does not operate independently to elevate the score of candidates who failed the interview. Thus, a candidate who did not secure the passing threshold in interview cannot claim entitlement to grace marks to alter the fundamental result.

8. Moreover, there is persuasive guidance from the Supreme Court of Pakistan which has struck down quotas or preferential hiring benefits solely on the basis of *parental service or lineage*. In a binding judgment, the Supreme Court invalidated all policies that provided job advantages to children of government employees including provisions akin to grace marks or preferential recruitment holding that such policies are discriminatory and in violation of Articles 18, 25 and 27 of the Constitution because they confer benefits on the basis of descent rather than open merit competition.

9. The Supreme Court has admonished discrimination in recruitment by voiding policies that favour children of government employees, confirming the constitutional mandate that appointments must be made on merit without undue preference based on lineage. Therefore, even assuming *arguendo* that the petitioner's father was entitled to grace marks, the law does not permit the Court to grant additional marks to alter the result of a recruitment process where the

interview was not passed, *nor to compel appointment based on lineage* when the basic eligibility was not satisfied and when such preferential provisions have been scrutinized as unconstitutional in substance.

10. In view of the above, the petition is dismissed along with pending application(s) insofar as it seeks the award of additional marks and appointment on that basis, as there is no legal basis to extend grace marks to a candidate who has failed the requisite interview and because policies that confer benefits solely based on parental service have been struck down as discriminatory.

JUDGE

JUDGE

Ayaz Gul