

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-896 of 2025

[Kamlesh Kumar 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: 12.03.2026

Mr. Ali Asadullah Bullo, Advocate for the Petitioner.

Mr. Abdul Jalil Zubedi, A.A.G.

ORDER

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

- i. Declare the act of Respondents No. 02 and 03 regarding the declaration of Petitioner as unallocated as illegal and against the quota reserved for minorities by the Government of Sindh.*
- ii. Direct the Respondents No. 02 and 03 to allocate the Petitioner a position as per merit and under the minority quota from the date of recommendations of the Combined Competitive Examination 2021.*
- iii. Direct the Respondents not to fill the left-over positions of minority quota through any other process or examination as long as the instant petition is pending before this Hon'ble Court.*
- iv. Any other relief(s) this Hon'ble Court may deem fit in the given circumstances and in the great interest of justice.*

2. It is the case of the petitioner that the Respondents conducted the Combined Competitive Examination (Executive Cadre) 2021 through an advertisement inviting applications from eligible candidates domiciled in Sindh, wherein 15% quota for females and 5% quota for minorities was reserved. He submitted that he, being a minority candidate, applied and successfully qualified for the written examination and interview. His name appeared at serial No.143 in the press release dated 17-12-2024; however, he was declared “unallocated.” Resulted in chaos.

3. Learned counsel for the petitioner contends that out of 102 advertised posts, 5% were reserved for minorities, yet the Respondents failed to allocate available posts to the Petitioner despite his successful qualification. It is argued that only three minority candidates, including the Petitioner, qualified for the examination,

but the Respondents recommended only one candidate and left certain posts unfilled, thereby acting arbitrarily and maliciously. It is further contended that the Petitioner's appeal before the Respondents was not decided and that such action violates Articles 4 and 25 of the Constitution. Reliance is placed on reported judgments of the Supreme Court to submit that discretionary powers must be exercised fairly and not arbitrarily. Learned counsel therefore prays that the act of declaring the Petitioner unallocated be declared illegal, and the Respondents be directed to allocate him a post under the minority quota.

4. Conversely, the learned Assistant Advocate General (AAG) submits that the Combined Competitive Examination 2021 was conducted strictly in accordance with the requisitions received from the administrative departments and applicable recruitment rules. It is stated that for the post of Deputy Superintendent of Police (BPS-17), only one post each was reserved for the Rural and Urban Minority Quota. He submitted that the Petitioner secured 603 marks and stood at merit No.143, whereas the candidate allocated against the Rural Minority Quota secured 708 marks and was placed at merit No.45. Therefore, the Petitioner remained unallocated due to his lower merit position. It is further submitted that the Petitioner was afforded a personal hearing before the Member (Appeals) of the Sindh Public Service Commission on 14-04-2025, after which his appeal was rejected. Learned AAG also submits that no post under the Rural Minority Quota remained vacant and that the one post under the Urban Minority Quota could not be filled due to non-availability of a suitable candidate, while the Petitioner belongs to the Rural quota. It is thus contended that the Petitioner, being an unallocated candidate due to low merit, is not entitled to any relief, and the petition is liable to be dismissed.

5. We have heard learned counsel for the parties and perused the material available on record.

6. The controversy in the present matter revolves around the allocation of posts under the minority quota in the Combined Competitive Examination (Executive Cadre) 2021 conducted by the Sindh Public Service Commission (SPSC).

7. The Petitioner primarily asserts that despite qualifying the written examination and interview and belonging to the minority quota, he was declared "unallocated," whereas certain posts purportedly remained vacant. Conversely, the Respondents maintain that allocation was strictly made in accordance with the requisition received from the administrative departments and the applicable quota rules.

8. It is a settled principle of service jurisprudence that selection in a competitive examination does not by itself confer an indefeasible right of appointment or allocation unless the candidate falls within the range of available vacancies determined by merit and the applicable quota.

9. The record reflects that the requisition received by the Commission provided a specific bifurcation of posts according to the statutory quota structure, including the minority quota divided between Rural and Urban areas. In the category of Deputy Superintendent of Police (BPS-17), only one post each was reserved for the Rural and Urban Minority Quota. The Petitioner admittedly belongs to the Rural Minority Quota and secured 603 marks, placing him at overall merit No.143, whereas the candidate allocated against the Rural Minority Quota secured 708 marks and stood at merit No.45. Thus, the record demonstrates that the only available post for Rural Minority Quota was filled by a candidate higher in merit.

10. The argument of the learned counsel for the Petitioner that 5% minority quota out of the total 102 posts necessarily entitles the Petitioner to allocation appears misconceived. The quota policy is implemented post-wise and department-wise on the basis of requisitions received from the administrative departments, and not in a generalized or aggregated manner across the entire examination. In other words, the Commission is bound to follow the requisition and quota bifurcation forwarded by the concerned departments, and it cannot independently redistribute or create posts beyond the requisition. Therefore, if only one post under the Rural Minority Quota was requisitioned for the relevant service/group, the Commission could not allocate more candidates against that quota merely because additional candidates qualified for the examination.

11. The contention regarding vacant posts also does not advance the Petitioner's case. The Respondents have categorically explained that while one post under the Urban Minority Quota remained unfilled due to non-availability of a suitable candidate, the Petitioner belongs to the Rural quota and therefore could not be considered against the Urban quota. It is well settled that quota allocations based on domicile or territorial classification cannot be interchanged at this stage, unless the governing rules specifically permit such interchange. However, no such rule has been shown to exist in the present case.

12. The law consistently recognizes that the Public Service Commission is bound to adhere to the recruitment rules and requisitions submitted by the administrative departments, and courts ordinarily refrain from interfering in the allocation process unless mala fide, violation of statutory provisions, or patent arbitrariness is established.

13. In the present case, the Petitioner has not been able to demonstrate that the Respondents deviated from the prescribed quota rules or that any post under the Rural Minority Quota remained unfilled.

14. The Supreme Court of Pakistan has repeatedly held that a candidate who qualifies for a competitive examination but falls outside the range of available vacancies cannot claim appointment as a matter of right. Primarily, inclusion of a candidate in the list of successful candidates does not create a vested right of appointment if the candidate does not fall within the number of vacancies available under the relevant quota or merit position. Similarly, discretionary powers of authorities must be exercised fairly and in accordance with the governing rules; however, where the authority acts within the framework of the applicable rules and requisitions, the courts would not substitute their own view for that of the competent authority.

15. In the present case, the material on record shows that the Petitioner was even afforded an opportunity of personal hearing before the Member (Appeals) of the SPSC, and his representation was considered and rejected through a reasoned order dated 14-04-2025. Thus, the requirement of procedural fairness was also satisfied.

16. In view of the above discussion, it appears that the allocation process was carried out strictly in accordance with the requisition received from the administrative departments and the applicable quota rules. Since the only post reserved for the Rural Minority Quota stood filled by a candidate higher in merit and no vacancy remained available in that quota, the Petitioner, having secured a lower merit position, could not be allocated a post as a matter of right. The allegations of arbitrariness or mala fide action, therefore, remain unsubstantiated.

17. Consequently, no case for interference in constitutional jurisdiction is made out at this stage due to the peculiar facts and circumstances of the case.

18. The petition is dismissed, along with any pending applications.

JUDGE

JUDGE

Ayaz Gul