

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No. D-1558 of 2026
[Adnan Hadi 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: 22.04.2026

Mr. Sajid Mangi advocate for the petitioner
Mr. Ali Safdar Depar AAG
Police Inspector Ghanzanfar Ali K.P.O on behalf of Addl. I.G.

ORDER

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

- i) *That this Honourable Court may be pleased to call record and proceedings of recruitments for the post of Police Constable and after scrutinize declare that the petitioner is eligible candidate for appointment in Police Department;*
- ii) *That the respondents may be directed to consider the cases of the petitioner in the same line as directed by this Court through its judgment dated 19.01.2026 in C.P. No. 6083 of 2024 by extending the benefits of the judgment as the cases of the petitioner is at same footing as those of the petitioner in CP No. 6083 of 2024;*
- iii) *That the respondents may be directed to extend the benefits of the judgment dated 19.01.2026 passed in CP No. 6083 of 2024 as recruitments policies qualifications, advertisement, tests interview and other process were same as well as the nature and scope of the Judgment on dated 19.01.2026 is judgment in remedies to the extent of the petitioner;*
- iv) *To direct the respondents to issue letter to the petitioner for medical examination complete remaining process and appointment letter if they fulfill criteria, appoint them as Police Constable;*
- (v) *Grant any other relief which this Honourable Court deems just, proper and equitable in the circumstances of the case.*

2. Learned counsel for the petitioner submits that the petitioner is with an unblemished reputation and has never been involved in any criminal activity. Although certain FIRs were registered against him, the same were false and fabricated, and he has either been acquitted by competent courts of law or discharged under Section 249-A, Cr.P.C. However, no such acquittals has been

challenged by the State. It is urged that the petitioner has also obtained clearance certificates from all relevant police and law enforcement agencies, which were duly submitted to the recruitment authorities on multiple occasions, but to no avail. It is further contended that the petitioner, being a young, qualified, and energetic candidate, duly applied for the post of Police Constable (BPS-07) pursuant to the advertisement issued by the respondents. He successfully cleared the written test conducted through Pakistan Testing Service, appeared in the interview, and was placed on the merit list. However, despite fulfilling all codal formalities and meeting the eligibility criteria under the Sindh Police Recruitment Policy, 2022, he was unlawfully restrained from undergoing medical examination on the pretext of his alleged involvement in criminal cases. Learned counsel argues that such action of the respondents is arbitrary, discriminatory, and mala fide, aimed at accommodating favored candidates, and is thus violative of the petitioner's fundamental rights guaranteed under Articles 4, 9, 10, and 14 of the Constitution. It is emphasized that in several identical cases, including those decided by this Court and upheld by the Supreme Court of Pakistan, similarly placed candidates who were acquitted in criminal cases were granted relief and directed to be issued appointment letters. Reliance is specifically placed on recent judgment dated 19.01.2026 passed by this Court in CP No.6083/2024 and connected matters, wherein the respondents were directed to consider and appoint similarly situated candidates. It is therefore prayed that the petitioner's case be treated on the same footing, and the respondents be directed to allow him to complete the remaining recruitment process, including medical examination, and to issue appointment letter if found otherwise eligible. He prayed to allow this petition.

3. Learned counsel AAG submits that the petitioner participated in the recruitment process for the post of Police Constable through PTS under Sindh Police Project (SPD-500), and successfully qualified the physical test, written examination, and interview. However, during the verification of character and antecedents, it was reported by DIGP/CIA Karachi that the petitioner was involved in FIR No.645/2022 under the Sindh Prohibition Act, 2019. Consequently, his case, along with other candidates having criminal records, was placed before the Sindh Police Recruitment Board (SPRB) for consideration. It is contended that the SPRB, in its meeting held on 10.08.2023, after due deliberation, rejected the candidature of 30 candidates, including the petitioner, on account of their involvement in criminal cases, and withdrew them from the selection process vide order dated 06.10.2023. Thereafter, the said decision was duly circulated by respondent No.03 to all concerned District SSPs for information and necessary action, and the petitioner was accordingly informed of his disqualification. Learned AAG further submits that the impugned action was taken strictly in accordance with the decision of the competent forum, i.e., the

SPRB, and respondent No.03 merely acted upon and implemented the said decision without any independent role in the matter. It is also asserted that the remaining averments of the petition, particularly those relating to other cases and judgments, are not relevant, hence no comments are offered. In view of the foregoing, it is prayed that since the petitioner's candidature was lawfully rejected by the competent authority, the instant constitutional petition is liable to be dismissed.

4. We have heard the learned counsel for the parties and perused the record with their assistance and case law cited at the bar.

5. Under Section 15 of the Sindh Civil Servants Act, disqualification for appointment arises only where a person has been *convicted* of an offence involving moral turpitude, and even such bar is not absolute as the Government retains discretion to appoint. Mere registration of an FIR or involvement in a criminal case does not constitute proof of guilt nor attract the said disqualification in the absence of a conviction by a competent court of law. The expression "moral turpitude" relates to conduct involving depravity, dishonesty, or immorality as determined through judicial findings, and cannot be inferred merely from allegations. It is well settled that allegations in an FIR, without legal proof of conviction, are insufficient to establish guilt involving moral turpitude. However in the present case, the petitioner had already been acquitted vide order dated 11.2.2023 by the learned Judicial Magistrate -1 Karachi Central, prior to the decision dated 6.10.2023 of the Sindh Police Recruitment Board, and therefore, at the relevant time, he was not facing any criminal liability. The consistent judicial pronouncements have settled the law that mere involvement in a criminal case, particularly where the accused has been acquitted after trial, cannot deprive a person of appointment in civil service. It is thus clear that the action of the Sindh Police Recruitment Board in rejecting the petitioner solely on the basis of past FIR is contrary to law, based on misinterpretation of Section 15, and violative of fundamental rights guaranteed under Articles 4, 9, and 14 of the Constitution. Consequently, such decision is unsustainable in law and warrants interference by this Court in exercise of its constitutional jurisdiction.

6. The controversy in hand is no longer *res integra*, as the Supreme Court of Pakistan has already settled the issue in a series of judgments rendered in identical circumstances. In the case of *Noman Shah and others*, (in Civil Petitions No. 1106-K of 2022) the Supreme Court, while examining similar facts where candidates had successfully completed the recruitment process but were denied appointment on account of their prior involvement in criminal cases despite acquittal, declined leave to appeal filed by the Government and upheld the relief granted by this Court. The Supreme Court categorically held that such cases were indistinguishable from numerous earlier matters wherein leave petitions had

consistently been dismissed, thereby affirming the entitlement of such candidates to appointment. Subsequent judgments passed in Civil Petitions No. 81-K and 82-K of 2024 (*Mehmood Khan and others*), wherein the Supreme Court again considered the issue of candidates who, after qualifying all stages of recruitment, were denied appointment solely on the basis of their previous involvement in criminal cases despite acquittal. The Apex Court reaffirmed the settled principle that such acquittal cannot be used as a ground to deprive otherwise eligible candidates of their right to appointment. Since the law declared by the Supreme Court clearly establishes that mere past involvement in criminal cases, particularly where the candidates have been acquitted, does not disentitle them from public employment. Therefore, the action of the respondents in the present case is contrary to the settled law and liable to be set aside.

7. For the foregoing reasons, this Court is of the considered view that the decision of the Sindh Police Recruitment Board, whereby the candidature of the petitioner for appointment as Police Constable was rejected solely on the basis of registration of FIRs, is not sustainable in law and falls outside the scope of lawful authority, thus warranting interference in exercise of constitutional jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973.

8. Consequently, the instant petition is disposed of with the direction to the competent authority of the respondents to reconsider the candidature of the petitioner for appointment as Police Constable, and if he is found otherwise eligible in all respects, to proceed accordingly within a period of thirty (30) days from the date of this order. All pending applications also stand disposed of.

JUDGE

JUDGE