

HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

C.P No.D-511 of 2025

[Mst. Saiqa v. Province of Sindh & Others]

Before:

Mr. Justice Amjad Ali Bohio

Mr. Justice Riazat Ali Sahar

Petitioner :	Mst. Saiqa through Mr. Mehboob Ali Kapri, Advocate.
Respondents:	Province of Sindh & others through Mr. Muhammad Sharif Solangi, A.A.G. Sindh.
Date of Hearing :	19.08.2026
Date of Decision :	19.08.2026

JUDGMENT

RIAZAT ALI SAHAR J: - Through the instant Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, the petitioner has called in question the recruitment process conducted by the Sindh Public Service Commission (“SPSC”) for the post of Assistant Sub-Inspector (Female), BPS-09, in the Home Department, Government of Sindh. The petitioner seeks, *inter alia*, declaration that the impugned recruitment/result is illegal and unlawful, production of the marks and audio/video recording of her interview, and a direction for her appointment on the ground that she had secured higher marks in the written test and possessed a degree in Criminology.

2. Briefly stated, the case of the petitioner is that posts of Assistant Sub-Inspector were advertised by the SPSC and she applied for the same. She secured **47 marks out of 100 in the written test**, whereas the prescribed passing marks were 33. According to her, 15 posts were available for females in Mirpurkhas District and 43 candidates were called for interview. Her grievance is that notwithstanding her comparatively better performance in the written test and her academic qualification in Criminology, she was not recommended, while candidates having lower marks in the written test were selected. On this basis, she has alleged lack of transparency,

nepotism, favouritism and political intervention in the interview process.

3. The SPSC, in its comments, has admitted that the petitioner participated in the recruitment process and qualified the written test by obtaining 47 marks. It has, however, specifically explained that recruitment comprises two distinct components, the written examination and the interview/viva voce and that final merit is determined by taking into account the prescribed components. It is further stated that the petitioner obtained **59 marks in the interview**, making her aggregate **106 marks**, whereas the last recommended candidate on the relevant Mirpurkhas Rural quota (Female) obtained **109 marks**. Thus, according to the Commission, the petitioner was not excluded on account of any disqualification or discrimination but because she remained below the merit of the last recommended candidate. The record further shows that the petitioner did not remain remediless before approaching this Court. She availed the remedy of representation under Regulation 161 of the Sindh Public Service Commission (Recruitment Management) Regulations, 2023. She was afforded a personal hearing on 20.08.2025 and, thereafter, Member (Appeals), SPSC, passed a speaking order dated 26.08.2025 rejecting her representation. The said order considered the petitioner's grievance that she had obtained 47 marks in the written examination and possessed a degree in Criminology, but concluded that interview is a competitive and subjective assessment and that the opinion of the Interview Committee could not appropriately be substituted by another authority in the absence of lawful grounds for interference.

4. Respondent No.4, Inspector General of Police, Sindh, has substantially stated that the recruitment was conducted by the SPSC and that the list of successful candidates recommended by the Commission had already been forwarded through the Home Department to the concerned police ranges for issuance of appointment orders after completion of codal formalities. The said respondent has consequently prayed for dismissal of the petition.

5. We have heard the learned counsel for the petitioner, learned A.A.G. Sindh and perused the available record.

6. The principal grievance of the petitioner is founded upon her performance in the written examination. However, the petitioner

herself participated in the interview and, according to the record produced by the SPSC, obtained 59 marks therein. Her aggregate score was 106 marks, whereas the last recommended candidate secured 109 marks. Thus, the petitioner's assertion that she possessed higher written marks than some selected candidates, by itself, cannot establish illegality in the final selection. The written examination is only one component of the recruitment process; success therein merely entitled the petitioner to proceed to the next stage and did not confer upon her an indefeasible or vested right to appointment.

7. It is equally significant that the petitioner has not placed before the Court any material demonstrating that the Interview Committee acted contrary to the prescribed rules, exceeded its jurisdiction, adopted a different standard for similarly situated candidates, or acted with *mala fide*. The allegations of nepotism, political intervention, favouritism and selection of “blue-eyed” candidates are merely assertions of the petitioner. The SPSC has expressly denied such allegations and has stated that the candidates were assessed by the interviewing committee on the basis of their overall performance and suitability. Mere dissatisfaction with the marks obtained in an interview cannot, without more, be converted into proof of *mala fide*, discrimination or arbitrariness.

8. The legal position governing judicial interference in interview assessments is also settled. The material placed before us refers to *Muhammad Ashraf Sangri v. Federation of Pakistan and others* (2014 SCMR 157) and *Federation of Pakistan through Secretary Establishment Division v. Ghulam Shabbir Jiskani* (2011 SCMR 1198), as well as the order of this Court dated 07.04.2020 in C.P. No. D-6868 of 2019. The principle emerging from the said authorities, as reflected in the impugned order, is that interview is inherently a subjective assessment and a Court exercising constitutional jurisdiction cannot ordinarily substitute its own opinion for that of a duly constituted Interview Committee.

9. The petitioner has also relied upon directions concerning audio/video recording and disclosure of interview marks stated to have been issued by this Court in C.P. Nos.1708 and 1709 of 2023. Such directions, however, cannot by themselves establish that the petitioner's particular interview was vitiated by illegality or *mala fide*. The petitioner was required to demonstrate a specific breach of law, procedural

irregularity, discriminatory treatment or other material defect affecting the legality of her own selection process. No such concrete material has been brought on record.

10. The petitioner's reliance upon her degree in Criminology also does not improve her case. Possession of a relevant academic qualification may satisfy an eligibility requirement, but eligibility and suitability are distinct concepts. Once the petitioner was permitted to participate in the written examination and interview, her academic qualification did not guarantee appointment. The selection authority was entitled to assess the candidates on the basis of the criteria prescribed for the recruitment and to recommend those who stood higher in the final merit. It is further relevant that the petitioner had already invoked the statutory mechanism available to her under Regulation 161 of the RMR 2023. Her grievance was considered after providing her an opportunity of personal hearing and was rejected through a speaking order. The existence and exercise of that remedy demonstrates that the petitioner was not denied an opportunity to have her grievance examined. Nothing has been shown before us to establish that the said decision suffers from jurisdictional defect, patent illegality or any other infirmity warranting interference in constitutional jurisdiction.

11. The constitutional jurisdiction of this Court is extraordinary and is not intended to function as an appellate forum over the subjective assessment of candidates by an expert recruitment body. Interference may undoubtedly be justified where a candidate establishes *mala fide*, patent arbitrariness, discrimination, violation of statutory rules or a manifest procedural illegality. In the present case, however, the petitioner has not crossed that threshold. Her case essentially rests upon a comparison of her written-test marks with those of candidates who were ultimately recommended. Such comparison, divorced from the interview component and the aggregate merit, does not establish discrimination. The record, on the contrary, furnishes a rational explanation for the petitioner's non-recommendation: she obtained 106 marks in aggregate, while the last recommended candidate on the relevant quota obtained 109 marks. The petitioner therefore has not demonstrated that she stood higher than the last recommended candidate in the final merit or that the SPSC departed from the prescribed selection procedure. The fact that some

candidates may have secured lower marks in the written examination is insufficient to invalidate the final result when the recruitment process included a separate interview component.

12. For what has been discussed above, we are of the considered view that no violation of law, constitutional right, *mala fide*, discrimination or manifest procedural irregularity has been established. This Court cannot substitute its assessment for that of the duly constituted Interview Committee merely because the petitioner considers herself more deserving on account of her written marks or academic qualification. The challenge to the recruitment process and the resultant recommendations is, therefore, without lawful basis. Accordingly, the instant Constitutional Petition is **dismissed** along with pending application(s), if any, with no order as to costs.

JUDGE

JUDGE

Abdullahchanna/PS