

# HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

C.P No.D-62 of 2025

[Zahid Ahmed Memon vs. Province of Sindh & Others]

**Before:**

**Justice Arbab Ali Hakro**

**Justice Riazat Ali Sahar**

Petitioner by : Mr. Shoukat Ali Rahimoon advocate  
Respondents by : Mr. Muhammad Sharif Solangi  
Assistant A.G Sindh a/w Deputy  
Director SPSC (**Akhtar Ahmed**)  
Date of Hearing : **07.05.2025**  
Date of Decision : **07.05.2025**

## **J U D G M E N T**

**RIAZAT ALI SAHAR J:-** Through this petition, the petitioner, who is person with disability, seeks directions against the respondents – Sindh Public Service Commission (SPSC) to issue him interview letter for the post of Secondary School Teacher (BPS-16) under quota reserved for the persons with disabilities.

2. Learned counsel for the petitioner submits that the petitioner, as person with disabilities<sup>1</sup>, possess masters degree. Counsel further submits that vide advertisement bearing No.09 of 2022 dated 11.11.2022 announced by the respondents SPSC for making recruitment against various posts including the subject post<sup>2</sup>, the petitioner having required qualification applied against the said post on general category under disable quota. Counsel also submits that pre-interview written test was conducted by the respondent SPSC, which petitioner qualified under Roll No.290109 with 43.5 marks and his name is appearing at Sr. No.1 in general category under disable quota<sup>3</sup>, however, petitioner was not called for interview and his candidature was rejected by the respondent SPSC on the ground that he does not meet the required percentage in graduate degree. Counsel maintains that petitioner possess higher

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<sup>1</sup> Disability Certificate bearing registration No.1252 dated 18.07.2017 issued by the Government of Sindh Social Welfare Department District Mirpurkhas

<sup>2</sup> Secondary School Teacher – SST (BPS-16)

<sup>3</sup> Press Release bearing No.PSC/Exam(S.S)/2024/542 dated 14.10.2024

degree i.e masters degree besides has additional qualification of B.ED with 62 percentage but the same was not considered by the respondents, though the posts in general category under disable quota are still lying vacant. Counsel also pointed out that petitioner has moved application before the respondent No.2/Chairman SPSC, but to no avail. Counsel lastly prayed that respondents may be directed to issue interview letter to the petitioner for the subject post and if he qualifies for the same, he may be considered for appointment against the said post.

3. Contrary, learned AAG submits that though the petitioner had qualified the pre-interview written test, however the required qualification for the subject post was/is B.A/B.Com in relevant subject with minimum fifty percent marks or equivalent degree from a HEC recognized University, whereas the petitioner obtained 498 marks out of 1000 in B.A, as such he could not meet the required percentage, hence he was not called for interview and his candidature was rejected<sup>4</sup>. Learned AAG also submits that petitioner has not exhausted the remedy available under Regulation No.161 of the Sindh Public Service Commission (Recruitment Management) Regulations, 2023, therefore, petition is not maintainable and liable to be dismissed.

4. We have heard the learned counsel for the petitioner, the learned Assistant A.G, and have perused the material available on record.

5. Record reflects that there were total 2315 posts of SST (subject post), out of which 07 were for the persons with disabilities in Mirpurkhas Division, according to advertisement, wherein the subject post was categorized in two categories i.e Science and General. Record further indicates that the petitioner having domicile of Sindh 'R' applied on general category under disable quota and for the said quota the ratio of passing marks was set as 33 out of 100. The petitioner obtained 43.5 marks and accordingly passed the pre-interview written test, which is not disputed, however, his candidate has been rejected by the respondents on the

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<sup>4</sup> Rejection letter dated 15.11.2024

sole ground that he has lower percentage in B.A degree i.e 498 out of 1000.

6. It also appears that in rejection letter the respondents have given the reason that date of declaration is after closing date, though the petitioner has passed his B.A degree in the year 2006 while the posts were advertised in the year 2022, however, contrary in their parawise comments the respondents have stated that the reason for rejection of the candidature of the petitioner was/is his lower percentage in B.A degree. However, nowhere the respondents have stated about the higher and additional degrees, which too with high percentage, possessed by the petitioner, despite the fact that there were total 07 seats in general category under disable quota in Mirpurkhas Region while only three candidates, which include petitioner well as, qualified under the said category.

7. Notwithstanding to above, since no orders have been passed by the respondents on the application dated 27.11.2024 moved by the petitioner, therefore, this petition is disposed of with directions to respondent – SPSC to treat the said application as an application under Regulation No.161 of the Regulations, 2023 and decide the same through speaking order within 30 days from the date of receipt of this order with ample opportunity of hearing to petitioner. However, while deciding the said application the respondents shall consider as to whether the higher/additional degrees possessed by the petitioner are required to be given preference and/or required to be considered for making appointment against the subject post in view of the recruitment/educational policies pronounced by the Higher Education Commission as well as Education and Literacy Department Government of Sindh from time to time.

Petition stands disposed of in the above terms.

**JUDGE**

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