

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
C.P No.D-1261 of 2024
[Safraz Ahmed v. Province of Sindh and others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
------	-----------------------------------

Before;
Mr. Justice Zulfiqar Ali Sangi;
Mr. Riazat Ali Sahar;

Hearing of case (priority)

- 1. For orders on office objections at flag ‘A’
- 2. For orders on CMA No.4985/2024 (S/A)
- 3. For hearing of main case

.....

Date of hearing:-16.09.2025
Date of order:-16.09.2025

Mr. Shabbir Ali Bozdar, Advocate for petitioner
Mr. Zulfiqar Ali Naich, Assistant Advocate General
.....

ORDER

ZULFIQAR ALI SANGI, J.– Through the instant petition, the petitioner has sought directions for issuance of his appointment order as Police Constable (BPS-05) in Special Police Force (SSF), Sukkur Range (SPD-490), claiming that he was duly declared successful in the recruitment process pursuant to advertisement, placed at Serial No.92 in the merit list dated 10.08.2023, and had completed all formalities. His grievance is that despite acquittal in FIR No.232/2023 lodged under Sections 418, 419, and 34 PPC, respondents failed to issue him an appointment order.

2. The case of the petitioner is that he was falsely implicated due to old enmity over landed property, that he was acquitted by the competent Court vide judgment dated 11.03.2024, which has attained finality, and that the respondents’ act of withdrawing his candidature without affording him an opportunity of hearing violates Articles 4, 9, and 18 of the Constitution as well as the principles of natural justice.

3. The stance of the official respondents is that during the screening test on 17.09.2023 at Police Lines Sukkur, another person, namely Irfan Ali (the petitioner’s brother), appeared on behalf of the petitioner. Consequently, FIR No.232/2023 was registered against both. The matter was placed before the Sindh Police Recruitment Board, which, after due deliberation, recommended withdrawal of petitioner’s selection. The Inspector General of Police, Sindh, vide letter dated 29.01.2024, endorsed the said recommendation. It is further contended that although

the petitioner was acquitted, such acquittal was on account of benefit of doubt, which does not confer any vested right of appointment. Recruitment to a disciplined force is a matter of policy, requiring unimpeachable integrity, and the petitioner having been involved in impersonation is not suitable for induction.

4. We have heard learned counsel for the parties and perused the record.

5. The law on the subject is well settled. No candidate acquires a vested right of appointment merely by qualifying tests or by having his name placed in a merit list. At best, he acquires a right of fair consideration. The Hon'ble Supreme Court of Pakistan in *Azhar Rashid v. Government of Punjab* (2019 SCMR 652) held that mere inclusion of a candidate's name in a merit list does not create an indefeasible right to appointment. Similarly, in *Khalid Mahmood Wattoo v. Government of Punjab* (PLD 2013 SC 170), it was held that a candidate cannot claim appointment as of right; the competent authority has discretion to assess suitability in light of overall conduct and antecedents.

6. Further, the Supreme Court in *Arif Hussain v. Government of Sindh* (2020 SCMR 483) has emphasized that recruitment to police service is not an ordinary appointment; rather, it requires strict scrutiny of character, conduct, and antecedents. In the present case, the record reflects that another individual appeared in place of the petitioner during the screening test. This fact was considered by the Sindh Police Recruitment Board, which unanimously recommended withdrawal of the petitioner's selection. The IGP Sindh, being the competent authority, endorsed the recommendation. Such administrative decision, taken in institutional interest, cannot be interfered with by this Court in its constitutional jurisdiction unless mala fide, arbitrariness, or violation of law is established. No such element has been demonstrated by the petitioner.

7. We also find that the plea of violation of natural justice is not tenable in the facts of the case. The matter was duly placed before the Recruitment Board and considered on merits. The petitioner's suitability was assessed in light of his alleged conduct. Even otherwise, the principle of audi alteram partem is not attracted in every administrative decision where antecedents are evaluated for recruitment.

8. In view of the foregoing discussion, we hold that the petitioner has failed to make out a case for interference. The respondents' decision of

withdrawing his candidature cannot be termed arbitrary, mala fide, or violative of law. The petition is accordingly **dismissed** along with pending applications.

JUDGE

JUDGE

*M. Ali**