

## IN THE HIGH COURT OF SINDH KARACHI

### **Present:**

Mr. Justice Adnan Iqbal Chaudhry  
Mr. Justice Muhammad Jaffer Raza

Constitution Petition No. D – 2852 of 2025  
(Old Constitution Petition No.D-2062 of 2024)

Petitioner : Rehan Hussain, called absent.

Respondents 1 to 3 : Province of Sindh, The Registrar, High Court of Sindh, Karachi and Chairman Departmental Selection Committee (DSC), The then District & Sessions Judge, Sukkur, through Mr. Pervaiz Ahmed Mastoi, Additional Advocate General.

Respondent No.4 : Muneer Ahmed, called absent.

Date of hearing : 22.10.2025.

Date of decision : 10-11-2025

### **JUDGMENT**

**Muhammad Jaffer Raza J.** – Perusal of the record reveals that the Petitioner applied for the post of CCTV Operator BPS-05 in light of advertisement dated 08.11.2023 by the Office of District and Sessions Judge Sukkur, but remained unsuccessful. He has challenged the appointment of Respondent No.4 to said post.

2. The Petitioner has sought directions to be appointed to the noted posts and further seeks declaration that the recruitment process initiated on said post in District and Sessions Court Sukkur was illegal.

3. Conversely, learned A.A.G. has argued that the recruitment process was done back in the year 2023 and it is not open for the Petitioner to question the entire process simply because he was unsuccessful. He has further contended that the Petitioner has also not advanced any cogent reason for invoking the writ jurisdiction of this Court.

4. Petitioner's case is that the advertisement for the post of CCTV operator had fixed the upper age limit for applicants at 28 years and that Respondent No.4 who was appointed was overage by three (03) years or so, hence unlawfully appointed.

5. Clause 10 of the advertisement had clearly stated that applicants above 28 years could apply and sit for the written test, but that if an overage applicant is eventually successful, his selection will be subject to age relaxation by the Hon'ble Chief Justice. Such power rests in the Hon'ble Chief Justice under Rule 14 of the Sindh Judicial Staff Service Rules, 1992. Apparently, the Respondent No.4 was the only candidate who emerged successful after the interview process. Therefore, upon the recommendation of the selection committee, the Hon'ble Chief Justice relaxed the upper age limit for appointing the Respondent No.4. In view of Article 199(5) of the Constitution, no writ can issue to the Hon'ble Chief Justice for exercising such power.

6. We have perused the record with the assistance of the learned A.A.G. We have also specifically examined the comments filed in the instant petition by Respondents 2 and 3 wherein details of the entire recruitment process have been disclosed. The noted comments also refer to the relaxation of the upper age sought for the successful candidate from the Hon'ble Chief Justice under the Sindh Judicial Staff Service Rules, 1992 ("**Rules 1992**"). It is well a settled proposition of law that administrative, executive and consultative actions of the Chief Justices and Judges of a High Court are immune to challenge under the writ jurisdiction of this Court. Relevant paragraph of the judgment rendered in the case of Gul Taiy Khan Marwat v/s Registrar Peshawar High Court<sup>1</sup> is reproduced below:

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<sup>1</sup> PLD 2021 SC 391

“In this case with respect to the administrative, executive or consultative acts or orders in question, the answer to the “but for” test is an unqualified no, therefore, such acts or orders would in our opinion be protected by Article 199(5) of the Constitution and thereby be immune to challenge under the writ jurisdiction of the High Court.”

7. Even otherwise, the Petitioner has been unable to demonstrate any defect in the recruitment process which would warrant interference of this Court in its writ jurisdiction.

8. In light of what has been observed above, no case is made out in favour of the Petitioner. Consequently, the instant petition is dismissed.

JUDGE

JUDGE

Karachi:

Dated: 10-11-2025

Nadeem Qureshi P/A