

IN THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Muhammad Jaffer Raza

Constitution Petition No. D - 2857 of 2025

(Old Constitution Petition No.D-153 of 2024)

Petitioner : Ghulam Rasool, in person.

Respondents 1 to 3 : Province of Sindh, Worthy Registrar,
High Court of Sindh, Karachi and
Learned District & Sessions
Judge/Chairman Departmental
Selection Committee, District
Jamshoro, through
Mr. Pervaiz Ahmed Mastoi, Additional
Advocate General.

Respondents 4 to 16 : Talha, Shahryar Ali, Shakeel,
Muhammad Waseem, Irfan Ali,
Mashooque Ali, Imtiaz Ali, Zeshan,
Piyas Ali, Asad Ali, Bilawal Ali,
Muhammad Umar and Gotham
(Nemo).

Date of hearing : 22.10.2025.

Date of decision : 10-11-2025

J U D G M E N T

Muhammad Jaffer Raza J. - The Petitioner, who appears in person, applied for the posts of Naib Qasid BPS-03 and Farash BPS-02 in the Office of District and Sessions Judge, Jamshoro, advertised in November 2023 but remained unsuccessful. He has contended that even though the advertisement invited applications from disabled persons and assured equal opportunity to females, none were appointed, and instead appointments were made on son-quota.

2. The Petitioner has challenged the entire recruitment process, as according to him, the same was based on nepotism. He has contended

that equal opportunity was not given to all the respective candidates. He has further contended that in the recruitment process the maximum age limit was relaxed for certain chosen candidates.

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 involving the writ jurisdiction of this Court.

4. We have heard the Petitioner in person and also the learned A.A.G. and perused the record with their assistance. The argument that no disabled person or female was appointed is misplaced when the Petitioner does not fall into either category. 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. It is pointed out therein that appointments made on son-quota and deceased quota were in-line with Administrative Circulars issued by the High Court under the Sindh Judicial Staff Service Rules, 1992 ("**Rules 1992**"). These appointments were of course made prior to pronouncement of the Hon'ble Supreme Court in the case of General Post Office Islamabad and others v. Muhammad Jalal¹ on 18.10.2024, and do not call for interference.

5. The noted comments also refer to letter dated 03.11.2023 issued by Respondent No.2 in which the relaxation of the upper age was

¹ PLD 2024 SC 1276

granted. Such relaxation was made by the Hon'ble Chief Justice of the High Court in exercise of powers under the Rules of 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 Marmat v/s Registrar Peshawar High Court² is reproduced below:

“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.”

6. 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.

7. 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 PA

² PLD 2021 SC 391