

Order Sheet

**IN THE HIGH COURT OF SINDH,**  
**CIRCUIT COURT, HYDERABAD**

CP No. D- 1851 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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10.11.2025

For orders on office objections  
For hearing of MA 7535/25  
For hearing of main case

Petitioner present in person

Mr. Muhammad Ismail Bhutto, Addl. A.G. along with Asif Ali ETO  
Excise & Taxation Department, Tando Allahyar

The Petitioner prayed that this Court may be pleased to:

- i. Direct respondents No.1–6 to rectify the Press Release No. PSC/EXAM(SS)/ 2025/ 1167 by removing the name of the ineligible candidate and declaring the petitioner successful in accordance with merit.
- ii. Grant an interim injunction restraining respondent No.7 from issuing the appointment order under the impugned press release.
- iii. Order an inquiry into how the ineligible candidate was declared successful.
- iv. Direct the respondents to consider the petitioner’s eligibility for other posts (Assistant District Public Prosecutor / Assistant Prosecutor General) as per prior examinations.
- v. Grant any other relief deemed just and proper in the circumstances.
- vi. The respondents bear the costs of the petition.

2. It is inter alia contended that the respondent No.6 announced the post of Law Officer (BPS-17) in the Excise, Taxation and Narcotics Control Department, Government of Sindh, through Advertisement dated 22.05.2024. According to said advertisement, the required qualification and experience for the post were: (i) Law Graduate, and (ii) five years’ experience as a practicing lawyer of the High Court or as a Judicial Officer. The petitioner fulfilled all the requisite conditions and accordingly applied for the said post. He appeared in the written examination held on 30.01.2025, successfully qualified and thereafter he was called for an interview on 21.05.2025. However, upon

announcement of result on 26.05.2025, one Ms. Tahrim D/o Mehboob Ali was declared successful. Subsequently, the petitioner came to know that the said candidate was enrolled as an Advocate of the High Court on 14.09.2020, and therefore did not possess the required five years' experience as of the closing date, i.e. 10.06.2024. On the other hand, the petitioner himself was enrolled as an Advocate of the High Court on 15.02.2019, thereby meeting the required experience criteria. Being aggrieved by this unlawful selection, the petitioner submitted an appeal under Rule 161 of the Recruitment Management Regulations, 2023, framed under the Sindh Public Service Commission Act, 2022, before respondent No.3 on 02.06.2025. He was granted personal hearing on 13.06.2025, during which he produced all the relevant documentary evidence. However, his appeal was later rejected vide Order No. PSC/MEM/APP/2025/1089 dated 03.10.2025, without consideration of clear ineligibility of the successful candidate. It is further submitted that the petitioner stood second in the written merit list, possesses more than five years of genuine experience as an Advocate of the High Court, and this opportunity was his last chance to enter government service due to overage limitations. The acts and omissions of the respondents are therefore illegal, arbitrary, discriminatory, and violates Articles 25 and 199 of the Constitution of the Islamic Republic of Pakistan, 1973, depriving the petitioner of his lawful and constitutional rights.

When confronted by this Court as to whether the writ was / is in the nature of *quo warranto* or *mandamus*, the petitioner stated that it was / is in the nature of *quo warranto*. Upon being pointed out that the concerned candidate had not been impleaded as a party, the petitioner present in person does not press the instant Constitutional Petition, seeking permission to file a fresh petition challenging the candidature of the concerned candidate. Petition is accordingly dismissed as not pressed; however, liberty is granted to file afresh as prayed, subject to all just exceptions as provided in law.

JUDGE

JUDGE