

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

CP No.D-1012 of 2024

[Muhammad Hanif & others v. Province of Sindh & others]

**Before:**

**Mr. Justice Adnan-ul-Karim Memon**

**Mr. Justice Riazat Ali Sahar**

Petitioners: Muhammad Hanif & others through Mr. Shanker Lal Meghwar, advocate

Respondents: Through Mr. Rafique Ahmed Dahri, Assistant Advocate General Sindh

Date of hearing: 11.11.2025.

Date of decision: 11.11.2025.

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

**RIAZAT ALI SAHAR, J:-** Through this petition, the petitioners seek directions against the respondents/Sindh Public Service Commission (SPSC) for restoration of 1,565 posts as per the initial advertisement and for consideration of their candidatures for appointment against the posts of Head Masters and Head Mistresses (BPS-17). The petitioners have prayed for the following reliefs: -

- a. *To direct the respondents/Sindh Public Service Commission to restore the seats as 1565 as per the initial advertisement.*
- b. *To direct the respondents to consider the case of petitioners as per the policy of Sindh Public Service Commission as provided under articles 25 Equality of citizen before constitution of Islamic Republic of Pakistan, 1973.*
- c. *To declare that the failure of the respondents by not considering the case of the petitioners is illegal, mala fide, capricious, arbitrary and against the law.*
- d. *To stay the process of interview being held on 05.06.2024 for male and ongoing process of interview for female as the same is being conducted without considering the eligible candidates.*
- e. *To direct the respondents to implement the prescribed policy guidelines as already published in letter and spirit.*
- f. *Any other relief(s) which this Honourable Court deems fit, just and proper in favour of the petitioner.*

2. In response, the contesting respondents Nos.3 to 5 have filed comments, admitting the publication of the advertisement inviting applications for 1,565 posts of Head Masters and Head Mistresses (BPS-17); however, it was clearly mentioned therein that the number of posts was *subject to variation without prior notice*. They have further stated that, on the request of the administrative department, the posts were subsequently reduced from 1,565 to 300, which was duly notified through a press release No.PSC/GRS/2023/113 dated 28.11.2023. It is contended that all petitioners participated in the written test but failed to attain merit for interview shortlisting. Further stated that the Sindh Public Service Commission, in accordance with Regulation No.91 of the RMR-2023, completed the process strictly in line with law and recommended only those candidates who fulfilled all requisite criteria and fell within the prescribed merit range.

3. Learned counsel for the petitioners contends that pursuant to the advertisement dated 02.05.2021, 1,565 posts of Head Masters and Head Mistresses were announced. The petitioners applied, appeared in the written test held on 28.02.2024 and were declared successful with meritorious marks; however, the respondents, with *mala fide* intention, reduced the posts to 300 through a later press release dated 28.11.2023, thereby depriving them of fair consideration. Learned counsel contends that the ratio of candidates called for interview was arbitrarily condensed and such reduction of posts amounts to violation of the petitioners' vested rights.

4. Conversely, learned Assistant Advocate General Sindh supports the comments filed by the respondents and submits that the number of posts was expressly declared to be variable in the advertisement and the subsequent modification was duly notified through a lawful press release. He contends that all candidates, including the petitioners, participated in the written test provisionally and only those fulfilling the prescribed eligibility and merit were called for interviews as per Regulation No.91 of RMR-2023. He also contends that the recruitment process was carried out transparently and in accordance with law, leaving no room for interference by this Court, as such, prays for dismissal of instant petition.

5. After hearing the learned counsel for the petitioners, learned A.A.G. Sindh and perusal of the record, it appears that the advertisement itself provided that the number of posts was subject to variation as per Important Instructions/Notes vide Instruction Number (xii). Moreover, subsequent reduction, duly notified through press release dated 28.11.2023, was made upon requisition by the administrative department, which holds the discretion to determine the number of vacancies to be filled. The petitioners, having participated in the recruitment process with full knowledge of this stipulation, cannot now challenge the reduction after having failed to secure merit for interview consideration.

6. It is well-settled that no vested right accrues merely by participation in a selection process or inclusion in a merit list unless the appointment has been formally offered. The Sindh Public Service Commission acted strictly within its mandate and in conformity with Regulation No.91 of RMR-2023 and no element of *mala fide*, arbitrariness or violation of law has been substantiated by the petitioners.

7. In view of the foregoing, we find no substance in the present petition and hold that the posts were varied in accordance with the terms of the advertisement, the governing rules and upon requisition by the administrative department and the entire recruitment process were conducted transparently and lawfully. Resultantly, the petition stands **dismissed** being devoid of merit.

JUDGE

JUDGE

\*Abdullahchanna/PS\*