

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS
C.P No.D-769 of 2025

[Akbar Ali v. Province of Sindh and 04 others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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11.02.2026

Mr.Farhan Ahmed Bozdar, Advocate for the Petitioner
Mr.Ayaz Ali Rajper, Assistant A.G Sindh a/w Lutuf Ali Laghari, DSP
Chachhro on behalf of DIGP Mirpurkhas

Through this petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner has called in question the process of recruitment to the post of Police Constable (BPS-07) in District Tharparkar, alleging that despite securing high marks in the written test and performing well in the interview, his name was unlawfully omitted from the final merit list.

2. The concise facts, as emerging from the petition, are that the petitioner belongs to District Tharparkar and applied for the post of Police Constable pursuant to an advertisement issued by the Sindh Police through SIBA Testing Services. He appeared in the written test held on 08.09.2024 and secured 89 marks, placing him at Serial No. 84 among successful candidates of the district. The petitioner states that he was thereafter called for an interview on 02.01.2025 at the office of SSP Tharparkar @ Mithi. According to him, he answered the questions satisfactorily and reasonably expected to be selected on merit. However, when the final list was issued, his name was missing not only from the list of successful candidates but also from any waiting or failure list. The petitioner alleges that the recruitment process was tainted with favouritism, political influence and monetary considerations, resulting in the exclusion of deserving candidates like him. He claims to have approached the authorities repeatedly but without any redress.

3. Respondent No. 05 (SSP Tharparkar) has filed comments, which are taken on record, stating that no specific allegation has been levelled against him. He further submits, on the basis of a communication from the Chairman of the

Interview Committee (DIGP Larkana Range), that the petitioner secured 21 marks out of 50 in the interview, bringing his total aggregate to 110 out of 150 and was declared “Failed in Interview”.

4. Respondent No. 04 (DIGP Mirpurkhas Range) has also filed comments, which is taken on record, clarifying that he was not the Chairman of the Recruitment Committee for Mirpurkhas Range and that the DIGP Larkana Range was designated as Chairman for the recruitment process. He denies any wrongdoing and seeks deletion of his name from the array of respondents.

5. Learned counsel for the petitioner contends that the petitioner’s exclusion from the final merit list is arbitrary, discriminatory and violative of Articles 4, 18 and 25 of the Constitution. He submits that the petitioner’s written test score was exceptionally high and that the interview marks awarded to him are grossly disproportionate, reflecting mala fide intent. It is argued that the interview process lacked transparency, no criteria were disclosed and the marks awarded do not correspond with the petitioner’s performance. Learned counsel submits that the petitioner has been victimised solely due to his poverty and lack of political backing, whereas candidates with inferior merit have been favoured. He further submits that the respondents have failed to justify the drastic reduction of marks in the interview, which appears to have been used as a tool to manipulate the final merit list.

6. Conversely, learned A.A.G. supports the comments filed by the respondents and submits that the recruitment process was conducted strictly in accordance with law and the policy framed by the Government of Sindh. He argues that the petitioner’s aggregate score fell below the threshold required for recommendation and therefore no illegality has been committed.

7. We have heard learned counsel for the parties and examined the record placed before us.

8. It is an admitted position that the petitioner secured 89 marks in the written test, which is indeed a commendable score. It is also undisputed that he was awarded 21 marks out of 50 in the interview, resulting in a total of 110 marks out of 150. The record further shows that the Interview Committee declared him “Failed in Interview”.

9. The question before us is not whether the petitioner performed well in the interview according to his own perception, but whether the process adopted by the respondents was arbitrary, discriminatory, or violative of the settled principles governing public employment.

10. It is well-settled that recruitment to public posts must be transparent, merit-based and free from extraneous considerations. At the same time, it is equally settled that the assessment of candidates in an interview is primarily the prerogative of the duly constituted committee and the Court ordinarily does not substitute its own opinion for that of the experts unless the process is shown to be tainted with mala fide, bias or violation of statutory rules.

11. In the present case, the petitioner has made general allegations of corruption and favouritism but has not placed any material on record to substantiate such assertions. Mere suspicion, cannot take the place of proof. The comments filed by the respondents reveal that the interview marks were awarded under a structured format comprising English essay, Urdu/Sindhi essay and oral interview. The petitioner has not demonstrated that the criteria were applied selectively or discriminatorily.

12. The petitioner's grievance essentially revolves around the quantum of interview marks awarded to him. However, the superior Court has repeatedly held that unless the interview process is shown to be patently illegal or mala fide, the Court cannot re-evaluate the marks or sit as an appellate authority over the assessment of the committee.

13. We also note that the petitioner has not challenged the recruitment policy itself, nor has he produced any comparative data showing that similarly placed candidates with lower written scores but higher interview marks were favoured unlawfully.

14. The petitioner's disappointment is understandable, but constitutional jurisdiction cannot be invoked merely to question the subjective assessment of an interview panel in the absence of demonstrable illegality.

15. As regards the prayer for directing the respondents to issue an appointment order, such relief cannot be granted unless the petitioner establishes a vested right to appointment, which he has failed to do. The Court cannot compel the appointing authority to select a candidate who has not been recommended by the competent committee.

16. Similarly, the prayer for reserving a post also does not merit consideration, as no *prima facie* case of illegality has been made out warranting such interim protection.

17. For the reasons discussed above, we find no material irregularity, illegality or *mala fide* in the recruitment process insofar as it concerns the petitioner. The petition is accordingly **dismissed**, along with pending application (s).

JUDGE

JUDGE

AHSAN K. ABRO