

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

Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Riazat Ali Sahar

C.P. No.D-65 of 2025
[Dr. Asad Ali v. Federation Investigation Agency & others]

C.P. No.D-1534 of 2025
[Khalid v. Federation of Pakistan & others]

Petitioner:	Dr. Asad Ali through Mr. Ayatullah Khuwaja, advocate in C.P. No.D-65/2025 and for respondent No.4 in C.P. No.D-1534/2025.
	None present for petitioner in C.P. No.D-1534/2025.
Respondents:	Federation of Pakistan and others/official respondents through Mr. Shamsuddin Rajper, D.A.G.
Date of hearing:	25.11.2025
Date of Judgment:	25.11.2025

J U D G M E N T

RIAZAT ALI SAHAR, J: - Both the captioned petitions are interconnected, as such, the same are being disposed of through this common judgment.

2. The petitioner Dr. Asad Ali stated in his petition that he is a Medical Officer (BPS-17) at Hyderabad with an outstanding academic record, having secured A-1 grades in Matric and Intermediate, topped his district in the Medical Entrance Test, earned a CGPA of 3.0/4.0 in MBBS and qualified for appointment as Medical Officer through SPSC in 2023. He appeared in CCE-2021 conducted by SPSC, wherein 22,877 candidates participated in the screening test and only 2,758 qualified, including the petitioner. He further succeeded in the written examination and remained among the top ten candidates on the urban quota out of 186 qualified candidates. On 09.09.2024, during his appearance for the interview at

SPSC, an individual, purportedly acting on the instructions of the Chairman SPSC, entered the waiting room and took photographs of candidates twice without their consent. The petitioner, after answering the interview questions satisfactorily, discovered the same evening that a targeted, defamatory and malicious social-media campaign had been launched against him using the photograph taken from within SPSC premises, with derogatory content aimed at undermining the CCE-2021 process and damaging his reputation. Consequently, under pressure generated by this arranged propaganda, the petitioner was arbitrarily awarded only 35 marks in the interview despite securing 559 marks in the written part, whereas several urban candidates with comparatively lower written scores received disproportionately higher interview marks, and 28 urban seats were left vacant reflecting the same pattern of bias and irregularities previously noted by the Honourable Supreme Court in S.M.C. No.18/2016. The petitioner stated that SPSC officials were complicit, as the leaked photograph originated from within SPSC premises. The petitioner approached FIA Cyber Crime Wing, Hyderabad, seeking registration of an FIR, but no action was taken and his representation filed under Section 161 of the SPSC (Recruitment Management) Regulations, 2023 also remains unattended. He further relied on the judgment of this Honourable Court in C.P. No.D-1708/2023 and D-1709/2023 mandating audio-video recording of interviews, which appears to have been violated. Having been subjected to discrimination, mala fide treatment and grave infringement of his legal and fundamental rights, the petitioner has invoked the constitutional jurisdiction of this Court with the following prayers:-

- a) That this honorable court may be pleased to declare the act of the respondents fulfilling their responsibilities not acting as per law of illegal and unwarranted.
- b) That this honorable court may be pleased to direct respondent No.3 to conduct the thorough inquiry within limited time and fix the liability against the culprits and lodge FIR against the accused persons.
- c) That this honorable court may be pleased to direct the Respondents to disclose proceedings enquiry/investigation before this Honourable Court.
- d) Any other relief which this Honourable Court deems fit and proper may please be awarded to the applicant.

3. The petitioner, Khalid, in C.P. No. D-1534/2025, stated that Respondent No. 4 Asad maliciously lodged a false complaint against him

before the FIA Cyber Crime Wing, Hyderabad, alleging defamation through various fake Facebook accounts; upon being summoned, the petitioner appeared voluntarily, fully cooperated and surrendered his mobile phone, which was seized for inquiry purposes and the complaint was ultimately dismissed. During this period, Respondent No. 4 also instituted Constitutional Petition No. D-65/2025 solely to exert pressure upon FIA and to unlawfully harass the petitioner; however, FIA placed before this Court its inquiry report in ENQ-429/2024, confirming that the seized device had been sent to the Forensic Lab, Hyderabad and the forensic report categorically stated: "FOUND NO RELEVANT DATA FROM SEIZED MOBILE." Despite the completion of the inquiry and the device no longer being required, the petitioner repeatedly visited the FIA Cyber Crime Wing, Hyderabad, seeking return of his mobile phone containing personal family photographs and official data, yet the investigating agency has consistently ignored his lawful request. The petitioner stated that the complaint was fabricated due to longstanding personal grudge between him and Respondent No. 4, and since the inquiry is concluded and its report has already been submitted before this Court in C.P. No. D-65/2025, the agency has no lawful authority to retain the petitioner's personal property, particularly when the same does not constitute case property. Such retention is unwarranted, without jurisdiction and constitutes a violation of Article 24 of the Constitution of the Islamic Republic of Pakistan, 1973. Accordingly, the petitioner prays that respondent No. 3 be directed to immediately return his mobile device seized in Inquiry No. 429/2024 and respondents No. 2 and 3 be directed to refrain from any future unlawful harassment of the petitioner on the basis of such false and motivated complaints.

4. Pursuant to the Court notice, the respondents-FIA filed their comments stated that an enquiry bearing ENQ-429/2025 was duly registered at the FIA Cyber Crime Circle, Hyderabad, on the written complaint of petitioner, alleging that one Khalid S/o Muhammad Saleh, resident of Qasimabad, Hyderabad, had defamed him through multiple fake Facebook accounts. During the enquiry, notices under Section 160 Cr.P.C. (Notice No.66 dated 06-01-2025, Notice No.112 dated 10-01-2025 and Notice No. 286 dated 21-01-2025) were issued to the Secretary, SPSC, for provision of requisite records, whereupon an Assistant Director appeared, recorded his statement and submitted a written reply from the Deputy Secretary (Administration & Accounts). The SPSC, in its reply, stated that CCTV

footage or recordings are only provided upon specific directions of a court and further disclosed that CCTV data is retained for no longer than seven days. FIA also made an official request to Facebook for account information related to the alleged defamatory posts; however, Facebook declined due to the absence of a Mutual Legal Assistance Treaty (MLAT) with Pakistan. Subsequently, on the complainant's allegation, Notice No.480 dated 10.02.2025 was issued to the alleged individual, who appeared before FIA, recorded his statement and voluntarily produced his mobile phone, which was seized in the presence of witnesses and sent to the Forensic Lab, Hyderabad. The forensic report revealed no relevant data on the seized device. The FIA concluded that no cogent evidence surfaced during enquiry and therefore prayed that the instant petition be dismissed for lack of evidence.

5. Learned counsel for the petitioner Dr. Asad Ali contended that the petitioner, despite being an academically meritorious candidate and a top performer in the written part of CCE-2021, was deliberately victimized during the interview process due to a malicious and defamatory social-media campaign initiated through photographs unlawfully taken within SPSC premises. He contended that this targeted propaganda prejudiced the minds of the interview committee, resulting in the petitioner being awarded disproportionately low marks, leaving 28 urban seats vacant without justification. He further contended that SPSC officials were complicit in the leakage of the petitioner's photograph and such interference rendered the entire process tainted with *mala fides*. It was further argued that the FIA failed to act upon the petitioner's complaint regarding cyber harassment. The learned counsel in support of his contentions has also filed a statement dated 25.11.2025 along with screen-shots of social media pages containing the wording against the petitioner Dr. Asad Ali as well as SPSC. Learned counsel further contended that the FIA official did not take into the possession from which the campaign against the petitioner was launched which resulted deprivation after the interview process. He, therefore, prayed for directions to conduct a lawful inquiry, fix responsibility and ensure transparency in the CCE-2021 process.

6. Learned Deputy Attorney General (DAG), representing the official respondents, opposed the petition and prayed for dismissal of the same as being misconceived.

7. Heard and record perused. Arguments of both sides were considered in light of the pleadings, the material made available on record, and the law governing the recruitment process as well as the obligations of investigating agencies.

8. The petitioner, Dr. Asad Ali, has called into question the transparency, legality and fairness of the interview process conducted by the Sindh Public Service Commission (SPSC) in CCE-2021. His grievance is that, despite an undisputedly meritorious academic background and high written-exam score, he was awarded disproportionately low marks in the interview. The main allegation is that this was not a mere assessment-related variance, but the result of external prejudice generated through a targeted, defamatory social-media campaign launched immediately after his appearance before the interview panel. The petitioner has consistently highlighted that the defamatory content originated from unauthorized photographs taken inside the SPSC premises, which fact, if established, directly engages the responsibility of SPSC officials, affects the sanctity of the recruitment process and undermines the integrity expected of a constitutional body. The official respondents, including SPSC and FIA, have generally denied *mala fides* and asserted absence of evidence; however, after hearing the parties and examining the material placed before this Court, including screenshots (available at pages-71–85) filed by the petitioner and through his statement dated 25.11.2025, it *prima facie* appears that derogatory, personalized and targeted posts were circulated on social media, specifically referring to the petitioner and the ongoing CCE-2021 process. These posts, by their nature, tend to create a hostile perception, damage reputation and such posts originate on the very day of the interview and bear a photograph taken within SPSC premises.

9. In such circumstances, the denial of mala fides alone is insufficient. The factual controversy, **who captured the photographs, how they were leaked and from whose device the defamatory content was posted**, requires a competent, impartial and technically equipped investigation. The enquiry conducted as ENQ-429/2025 by FIA Cyber Crime Circle, Hyderabad, does not satisfy this requirement for the reasons that the enquiry report does not determine the origin of the social-media content, nor does it trace any device or IP associated with the posts and the FIA did not seize or examine any such device(s). The mere non-retrieval of incriminating data from the mobile phone of one individual does

not exhaust the scope of investigation, especially when the posts could have originated from **any other device, account or location**. The circulation of such posts through electronic means, particularly those intended to harass, defame or prejudice a candidate's legal rights, falls squarely within the domain of offences recognized under the Prevention of Electronic Crimes Act, 2016 (PECA). Cyber offences, by their nature, require technical tracing, not mere recording of statements. Therefore, an enquiry that fails to identify the source device, posting mechanism, IP logs or account ownership cannot be deemed a lawful or complete exercise.

10. Furthermore, when the impugned content originates from within a constitutional institution such as SPSC, the matter assumes amplified significance. The allegation of internal complicity cannot be brushed aside without a proper forensic investigation, because any such leakage violates Articles 4, 18, 25 and 27 of the Constitution and challenges the public's trust.

11. Given the above deficiencies, we are of the considered opinion that FIA's enquiry ENQ-429/2025 is incomplete, inconclusive and legally inadequate, as it fails to answer the foundational question **who posted the defamatory material and from which device?** The material placed on record justifies further action and necessitates an independent, fresh and impartial enquiry by an FIA officer unconnected with the previous enquiry, so as to avoid any apprehension of conflict of interest. It is well-settled that where a statutory body fails to exercise jurisdiction lawfully or conducts an enquiry superficially, the Court is competent to direct a fresh investigation to ensure legality, fairness and fulfillment of statutory obligations.

12. In view of the foregoing, the petition filed by Dr. Asad Ali is **disposed of** with the following directions that the Director General, FIA, shall assign the matter to an independent FIA officer and expressly other than SIP Wali Muhammad Kalhoro, who previously conducted the enquiry. The newly appointed officer shall conduct a fresh, thorough and technically competent re-enquiry, strictly in accordance with law to determine the origin of the defamatory social-media posts; identification of the device(s), account(s), IP(s), or person(s) responsible for the said postings; whether the acts disclosed constitute cognizable cyber offences. The FIA officer shall conduct forensic analysis, seize devices and take all measures necessary to reach a lawful conclusion. Upon completion of the re-enquiry, FIA shall fix responsibility upon the person(s) found involved and proceed strictly in

accordance with law, including lodging FIR where ingredients of any offence are made out. A compliance/report shall be submitted before the Additional Registrar of this Court within 45 days.

13. As regards C.P. No. D-1534/2025 filed by petitioner Khalid, it is an admitted position that FIA's earlier enquiry found no relevant data in the device seized from him and that no further proceedings are pending against him. Since this Court has already directed a fresh and independent enquiry on broader lines, the earlier seizure loses relevance. Accordingly, the FIA is directed to immediately return the mobile device seized from petitioner Khalid in ENQ-429/2024, as its retention is no longer justified in law.

14. With the above directions, both petitions stand **disposed of**.

JUDGE

JUDGE

Abdullahchanna/PS