

# THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1285 of 2026

[Muhammad Suleman Shar v. Province of Sindh and others]

**Before:**

**Justice Arbab Ali Hakro**

**Justice Muhammad Osman Ali Hadi**

Petitioner by : Mr. Ghulam Murtaza Buriro, Advocate

Date of Hearing : **11.08.2026**

Date of Decision : **11.08.2026**

## **ORDER**

**ARBAB ALI HAKRO, J.** – Through this Constitution Petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner seeks constitutional intervention regarding the recruitment process initiated pursuant to the advertisement/corrigendum dated 05.07.2021 issued by the Education Department for various BPS-01 to BPS-04 posts in District Khairpur, including the post of Naib Qasid.

2. Briefly stated, the facts as set out in the petition are that the petitioner applied for the post of Naib Qasid pursuant to the advertised recruitment process and submitted his documents to the competent authority. It is his case that he was called for interview on 15.02.2022 and appeared before the concerned recruitment authorities. According to the petitioner, he was informed that a final merit list would thereafter be published. He further pleads that, despite repeatedly approaching the official respondents, no information regarding the outcome of the recruitment process was furnished to him, and that he subsequently learnt, through undisclosed sources, that appointments had been made without observance of codal formalities, publication of the merit list, or adherence to the prescribed criteria. On such assertions, the present petition has been instituted.

3. Learned counsel for the petitioner contended that the respondents' alleged withholding of the final merit list and their non-transparent

appointments were unlawful and contrary to the principles of fair recruitment. It was argued that the respondents were under a legal obligation to conduct the recruitment process in accordance with the applicable rules and to disclose the outcome. Learned counsel urged that the petitioner, having participated in the process, was entitled to seek judicial review of the impugned recruitment exercise.

4. We have heard learned counsel for the petitioner and have perused the material on record.

5. At the outset, it may be observed that the entire edifice of the petition rests on the fact that the petitioner submitted an application and subsequently appeared for the interview. The petition, however, is silent on the petitioner's merit position, interview score, comparative assessment, eligibility ranking or the marks secured by any selected candidate. No final merit list, appointment order, rejection order, comparative statement, statutory rule or document demonstrating infringement of any vested right has been placed before the Court. The law is now well-settled that mere participation in a recruitment process does not confer an indefeasible or vested right to appointment. A candidate acquires only a right to fair and lawful consideration in accordance with the governing rules. In **Waheed Gul Khan**<sup>1</sup>, the Supreme Court of Pakistan categorically held that mere qualification in the recruitment process or appearance in an interview does not create a vested right to appointment. The petitioner before us has failed to establish any such entitlement.

6. Equally fatal to the petition is the unexplained delay evident from the petitioner's own pleadings. The recruitment process pertains to the years 2021-2022, whereas the petitioner approached this Court after a substantial lapse of time. No particulars of any formal representation, departmental proceedings, statutory appeal, application under any information law, or written refusal by the authorities have been disclosed. The vague assertion that the petitioner continued to approach the respondents and was given "hollow hopes" cannot constitute a satisfactory explanation for invoking the

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<sup>1</sup> Waheed Gul Khan v. Province of Sindh (2024 PLC (C.S.) 1228)

Court's extraordinary constitutional jurisdiction after the passage of years. It is a settled principle that constitutional relief is discretionary and equitable in nature, and a litigant who remains indolent for an unreasonable period cannot ordinarily claim such relief as of right. Reference in this regard may be made to *State Bank of Pakistan*, wherein the Supreme Court of Pakistan reiterated that delay and laches may defeat even an otherwise enforceable claim.

7. Another insurmountable defect in the petition is the non-joinder of necessary parties. The petitioner alleges that appointments have already been made to the advertised posts and seeks to restrain and scrutinize such appointments. Any adjudication on the legality of those appointments would inevitably affect the civil rights and service interests of the selected candidates. Yet, neither the names of any such appointees have been disclosed nor have they been impleaded as respondents. The Supreme Court in *Waheed Gul Khan* (supra) has held that where appointments are challenged, the alleged appointees are necessary parties and in their absence the matter cannot be effectively examined. Since the persons likely to be affected by any order of this Court are not before the Court, the petition is also liable to fail on this count alone.

8. We further find that the allegations levelled in the petition are wholly vague, general and unsupported by any tangible material. The petitioner merely states that he learnt through "out sources" that appointments had been made illegally. No particulars of mala fide, favouritism, discrimination, procedural irregularity or breach of any identified statutory provision have been pleaded. It is trite that allegations of illegality or mala fide must be specifically pleaded and substantiated by credible material. Constitutional jurisdiction cannot be invoked to embark upon a fishing or roving inquiry merely on the basis of suspicion or conjecture.

9. It is also noteworthy that one of the principal prayers sought by the petitioner is for the disclosure of appointment details and recruitment information. The law provides an independent statutory mechanism for

seeking such information through the right-to-information framework. In the circumstances of the present case, where no prima facie violation of an enforceable legal right has been demonstrated, this Court's constitutional jurisdiction cannot be converted into an investigative forum for the collection of information or the production of records in the hope that some irregularity may subsequently be discovered.

10. For the foregoing reasons, we are of the considered view that the petitioner has failed to establish any legally enforceable right that requires protection under Article 199 of the Constitution. The petition suffers from unexplained delay and laches, non-joinder of necessary parties, and the absence of material particulars supporting the allegations levelled therein. No prima facie case for constitutional interference is made out.

11. Consequently, the instant Constitution Petition is **dismissed** in *limine*, along with the pending applications.

J U D G E

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Abdul Basit