

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Before:

Justice Arbab Ali Hakro

Justice Muhammad Jaffer Raza

C.P No.D-306 of 2026

[Kawel Ram and another v. Province of Sindh and 04 others]

Petitioner by : Mr. Satram Sonani Bheel, Advocate.

Respondents by : Mr .Ghulamullah Memon, Additional A.G Sindh a/w Shahid Mustafa, Mukhtiarkar Mithi and Dr. Lekhraj, D.H.O, Tharparkar @ Mithi

Dates of Hearing : **05.05.2026**

Date of Decision : **19.05.2026**

ORDER

ARBAB ALI HAKRO J:- The petitioners have invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution, alleging that despite being permanent residents of the locality where the relevant health facilities are situated and despite the District Recruitment Committee having purportedly finalized a list of eligible candidates on 07.08.2023, the respondents have withheld issuance of appointment orders and have instead proceeded to accommodate candidates from other villages in disregard of the governing recruitment policy.

2. The factual substratum placed before the Court reveals that the petitioners claim to have applied for the posts of Chowkidar and Naib Qasid respectively at Government Dispensary Kekari, Taluka Islamkot and Government Dispensary Padiram, Taluka Chachhro. It is asserted that their names were included in the list prepared by the District Recruitment Committee on 07.08.2023 and that such recommendation created a vested right entitling them to appointment. It is further averred that the respondents have acted in derogation of the mandatory criteria prescribed under the SOPs

dated 26.04.2023, particularly the 70% weightage for immediate neighbourhood residence.

3. The respondents, however, have taken a categorical stance that the petitioners were never included in the scrutinized or recommended list of the District Selection Committee, that the outward register and official record do not support the petitioners' assertions and that the offer letters issued in compliance with earlier judgments of this Court were confined strictly to those candidates whose names appeared in the authenticated DSC minutes bearing outward No. DHO/TPR/12315 of 2023. It is further asserted that the petitioners neither applied nor appeared before the Committee in the manner claimed and that the documents relied upon by them do not emanate from the official record.

4. Heard and perused the record.

5. The material placed before the Court discloses a serious divergence between the petitioners' narrative and the official record. The petitioners rely upon documents whose authenticity is disputed; the respondents rely upon the outward register and DSC minutes to assert that the petitioners were never recommended. We are thus confronted with a contested factual matrix which cannot be resolved merely on the basis of affidavits. The respondents, on the other hand, allege that certain candidates have produced fabricated documents to create an appearance of recommendation. Such reciprocal allegations of impropriety, if left unexamined, would undermine the integrity of the recruitment process and erode public confidence in administrative fairness.

6. In constitutional jurisdiction, this Court does not undertake forensic examination of disputed documents nor conduct factual inquiries requiring evidentiary appraisal. Where the very foundation of the petition i.e. the authenticity of the recommendation list and the petitioners' inclusion therein is seriously disputed and where the record is alleged to have been manipulated either by the petitioners or by the administrative authorities, the matter must be placed before a competent executive forum capable of conducting a

comprehensive inquiry, examining original registers, verifying signatures and determining whether any officer or candidate has acted in breach of law. In these circumstances and in order to safeguard the transparency of public recruitment, to protect the rights of genuine candidates and to ensure accountability of public officials, we are of the considered view that the matter warrants an independent administrative inquiry at the highest level.

7. In view of the disputed factual substratum and the serious allegations of manipulation, fabrication and administrative impropriety raised by both sides, this petition is **disposed of** with the direction that the Chief Secretary, Government of Sindh, shall constitute a high-level inquiry committee, headed by a senior officer not below BPS-20 of the Services, General Administration & Coordination Department, to examine the entire recruitment process for non- technical posts (BPS-01 to BPS-04) in the Health Department, District Tharparkar. The committee shall scrutinize the DSC minutes dated 07.08.2023, the recommendation lists, outward registers and all related documents and shall determine whether the petitioners were duly recommended, whether any manipulation or fabrication occurred and whether any officer or candidate acted in violation of law. The inquiry shall be completed within sixty days and appropriate action shall thereafter be taken strictly in accordance with law. The petitioners shall be at liberty to place their entire material before the inquiry committee.

With these directions, the petition stands **disposed of**.

JUDGE

JUDGE

Faisal