THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

BEFORE:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Const. Petition No. D-976 of 2025

[Ghulam Ali Jakhrani Vs. Province of Sindh and others]

Petitioner	**:**	Through Mr. Mujahid Ali Jatoi, Advocate
Respondents	**:**	Through Mr. Abdul Waris Bhutto, Assistant Advocate General, Sindh
Date of Hearing	**:**	**25-11-2026**
Date of Order	**:**	**25-11-2026**

O R D E R

ARBAB ALI HAKRO, J.- The petitioner was selected for the post of Police Constable (BPS-07) in District Kashmore @ Kandhkot under General Recruitment SPD-01/2024 (hereinafter referred to as '**the recruitment**') and was issued an offer of appointment on 27.03.2025, subject, inter alia, to satisfactory verification of his character and antecedents.[1] Verification showed that he had been nominated in FIR No.14/2020, Police Station Kashmore, registered under sections 337-A(i), 337-F(i), 337-L(2), 506(2), 114, 147, 148 and 149 PPC, in which the learned Civil Judge and Judicial Magistrate, Kashmore acquitted him and his co-accused under section 245(1) Cr.P.C. by judgment dated 29.02.2020 (hereinafter referred to as '**the judgment of acquittal**').[2] The Sindh Police Recruitment Board (hereinafter referred to as '**the Board**') considered his case on 11.09.2025 and recommended its rejection, which the DIGP (Establishment) conveyed by letter dated 24.09.2025 (hereinafter referred to as '**the impugned letter**').[3] He has invoked Article 199 of the Constitution seeking a direction to the respondents to issue his appointment order and to keep one post vacant for him till the decision of this petition.

---

[1] Offer order dated 27.03.2025 (annexure 'A'), condition IV.
[2] FIR No.14/2020 (annexure 'B'); judgment dated 29.02.2020 in Case No.36/2020 *State v. Din Muhammad and others* (annexure 'C').
[3] Comments of respondents 2 and 3 (letter No.7321-22/ESTT/T&R/G.R-I/2026 dated 10.11.2026) para 6.

2. Respondents 2 and 3 have filed comments stating that the petitioner was found involved in the above FIR, that he was acquitted under section 245(1) Cr.P.C. on 29.02.2020 and that the Board, after deliberation, recommended rejection of his case.[4] The comments do not allege that he concealed the case and give no reason for the Board's conclusion.

3. Learned counsel for the petitioner submitted that he was selected on merit; that his acquittal preceded the offer by five years; that mere registration of a case is no ground to refuse appointment; and that the impugned letter offends Articles 4, 9, 18 and 25 of the Constitution.

4. Learned Assistant Advocate General, Sindh supported the impugned letter on the basis of the comments.

5. The questions are whether the petition is maintainable, whether the petitioner's selection could be rejected on this ground in the manner adopted, and, if not, what relief is to follow.

6. The petitioner has not entered service, so Article 212 of the Constitution is not applicable, and the Policy referred to below provides no departmental remedy against a decision of the Board. The respondents are persons performing functions in connection with the affairs of the Province, and the petitioner complains that their decision is without lawful authority. The petition is maintainable under Article 199(1)(a)(i). This Court took the same view in the connected petitions arising from the same recruitment and the same letter.[5]

7. Para 4.1.18 of the Sindh Police Recruitment Policy, 2022 (hereinafter referred to as '**the Policy**') bars only a candidate convicted in a criminal case from being offered an appointment. As substituted on 05.08.2022, it further directs that the Board scrutinise the acquittal order of a candidate cleared of a pending case to assess his suitability for appointment.[6] The Policy thus does not treat involvement in a case as a disqualification once the candidate has been cleared. The petitioner's case ended in acquittal more

---

[4] (n.3 above) paras 5 and 6.
[5] *Zain-ul-Abdin and others v. Province of Sindh and others* C.P. Nos. D-1014 and D-1043 of 2025 (order dated 21.10.2026) paras 8 and 9.
[6] Sindh Police Recruitment Policy 2022, para 4.1.18, as substituted on 05.08.2022; (n.5 above) para 9.

than four years before the recruitment was advertised, so the Policy imposes no bar on him. Any power the Board has over him derives from the verification of character and antecedents under condition IV of the offer order and the Police Rules, 1934, and cannot extend beyond the scrutiny the Policy itself prescribes. In either view, the Board was bound to examine the judgment of acquittal and decide on his suitability.

8. The record shows no such exercise. The comments merely recite the FIR, the acquittal and the Board's recommendation, and nothing more. No finding is recorded on the contents of the judgment of acquittal, the nature of the allegations or the petitioner's fitness for the post. He was not heard before the offer already issued to him was withdrawn. The impugned letter thus applies 'involvement' as a disqualification which the Policy does not prescribe. It is not a decision on suitability, and it does not give the reasons which section 24-A of the General Clauses Act, 1897 requires of an authority exercising a power of this kind. An adverse decision of this nature must also be preceded by a hearing and supported by reasons which are rational and understandable.[7]

9. The law on the point has been settled by the Federal Constitutional Court in ***Muhammad Akmal***,[8] the decisions of which bind all courts under Article 189 of the Constitution as amended. There, appointment as a police constable was refused under a policy that excluded every candidate found involved in a criminal case, whether pending or resulting in acquittal. The Court held that registration of an FIR is only an allegation; that once a competent court has acquitted a candidate, the appointing authority cannot proceed as though the allegations stood established; and that a refusal must rest on an individualized assessment of suitability supported by cogent reasons. It further held that where a candidate has neither concealed material information nor been convicted, and the proceedings have ended in his favour, the mere registration of an FIR cannot furnish a lawful basis for denying public employment.[9] The Court described an order of the kind now before us in these words: "An order refusing appointment which merely reproduces the existence of a past FIR, without evaluating the legal effect of

---

[7] *Inspector General of Police, Quetta v. Fida Muhammad* 2022 SCMR 1583 para 9.
[8] *Inspector General of Police, Punjab v. Muhammad Akmal* C.P.L.As.51-L/2018 and 2007-L/2019 (Federal Constitutional Court of Pakistan, 16.03.2026) paras 5, 7, 11 and 15.
[9] (n.8 above) para 13.

the subsequent acquittal or the surrounding circumstances, reflects no real exercise of discretion but only a mechanical application of policy."[10]

10. The petitioner's case falls within that holding. He was acquitted after a trial. The respondents do not allege concealment, and the impugned letter assigns no reason beyond the existence of the case. It cannot be sustained. The petitioner is also entitled, under Article 25 of the Constitution, to the same treatment as candidates in the same recruitment whose cases this Court remitted to the Board on the same footing.[11]

11. That does not entitle him to a direction for appointment. An acquittal does not confer an indefeasible right to appointment, and suitability for a disciplined force remains for the appointing authority to judge, provided it does so fairly and for reasons.[12] The Supreme Court has likewise held that, despite an acquittal, the employer remains free to examine the matter and the candidate's fitness, which it must do fairly and equitably.[13] The offer made to the petitioner was also conditional on verification of his antecedents. In its jurisdiction under Article 199, this Court corrects the decision-making process and does not substitute its own view of suitability for that of the authority. The manner in which the case ended, the nature of the allegations, the petitioner's age on the date of the occurrence (his date of birth being 06.08.2003)[14] and the time that has since passed are matters for the Board to weigh, with reasons.

12. For these reasons, the petition is partly **allowed** in the following terms:

(a) the recommendation of the Board dated 11.09.2025 and the impugned letter dated 24.09.2025 are declared to be without lawful authority and to have no legal effect to the extent of the petitioner;

(b) the Board shall reconsider the petitioner's case afresh and individually, after notice and an opportunity of hearing to him, on the basis of a certified copy of the judgment of acquittal, in light of para 4.1.18 of the Policy and the principles laid down in ***Muhammad Akmal*** (supra), and shall pass a speaking order

---

[10] (n.8 above) para 10.
[11] (n.5 above) para 14.
[12] (n.8 above) paras 8 and 12.
[13] *Faraz Naveed v. District Police Officer Gujrat* 2022 SCMR 1770 para 17; *District Police Officer, Mianwali v. Amir Abdul Majid* 2021 SCMR 420 para 3.
[14] (n.1 above).

within sixty (60) days of receipt of this order. Mere registration of an FIR or involvement in a case shall not, by itself, be a ground for refusal;

(c) the respondents shall keep one post of Police Constable (BPS-07) in District Kashmore @ Kandhkot vacant until the Board passes its order;

(d) if the petitioner is found suitable, he shall be issued an appointment order forthwith to the posts for which recruitment is being made, and his seniority shall be determined in accordance with the applicable rules and

(e) if the petitioner is aggrieved by a fresh adverse order, he shall be at liberty to seek his remedy in accordance with the law.

13. The observations above are confined to the decision-making process and do not express any opinion on the petitioner's suitability. The petition stands **disposed of** in these terms, along with any pending application(s), with no order as to costs. A copy of this order shall be sent to the Inspector General of Police, Sindh, and the Chairman of the Board for compliance.

JUDGE

JUDGE

Zulfiqar