

ORDER SHEET  
HIGH COURT OF SINDH AT KARACHI

**C.P. No.2866 of 2019**

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DATE           ORDER WITH SIGNATURE(S) OF JUDGE(S)  
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**Before:-**  
**Mr.Justice Muhammad Ali Mazhar**  
**Mr.Justice Agha Faisal**

**Muhammad Ather & another.....Petitioners**

**Versus**

**The Member Inspection**  
**Team-1 & others .....Respondents**

Date of hearing: 26-04-2019

M/s.Muhammad Ather & Syed Amir Shah,  
Advocates/Petitioners present in person.

Mr.Hatim Solangi, Additional MIT-1 present in person.

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**Muhammad Ali Mazhar, J:** This petition has been brought with the submissions that both the petitioners, who are also Advocates had applied to attend Preliminary Test for Recruitment to the post of Additional District and Sessions Judge. The preliminary test was conducted on 07.04.2019 but the petitioners were not allowed to sit in the preliminary test by the Respondent No.2 on account of non-availability of their original CNICs.

2. According to the petitioners, their CNICs were expired at the relevant time and they had applied for the renewal and also produced the tokens issued to them by NADRA but the respondent No.2 did not entertain the tokens for

the purposes of their entry in the preliminary test. The petitioners have further articulated that the action of respondent No.2 was challenged in another Petition which is pending but neither they have attached the memo of petition nor mentioned the number of their petition. It was further averred that they recently came to know that the preliminary test conducted on 7.4.2019 has been cancelled/scrapped by the competent Authority before the announcement of official results and new date of preliminary test is 28.04.2019. The petitioners have approached this court for directions against the respondents to allow them to sit in the preliminary test on 28.4.2019.

3. Since the matter required urgency, therefore, we immediately called Mr.Hatim Solangi, Additional MIT-1, who also informed us that the preliminary test was scrapped by the competent authority before announcement of official result and new date of test is 28.4.2019. He further stated that according to the policy decision of the competent authority, only those candidates are being allowed to sit in the new test who appeared in the preliminary test on 07.04.2019. He further submitted that total 1175 Call Letters were issued to the candidates for 07.04.2019 preliminary test, out of those, 1010 candidates appeared in the test and 165 candidates failed to appear in the examination hall for different reasons including the present petitioners therefore such candidates according to the policy decision of competent authority are not allowed to attend the preliminary test on 28.04.2019. It was further contended that no new form has been filled by any candidate nor they were called upon to submit fresh fee for the forthcoming preliminary test.

4. The rationale of not allowing the petitioners neither demonstrates any discriminatory treatment to them nor does it expose any preferential treatment to any other candidate. The opportunity for appearance is being provided to only those candidates who appeared in the earlier test on the same application form and entry fee. On the contrary if the request of petitioners is acceded to then remaining 163 candidates who are neither before this court nor lodged any grievance must not be considered at fault and they should also be afforded equal opportunity as claimed by the petitioners. No vested right can be claimed by the petitioners due to their own lapses and failure. They were participating in the preliminary test for the appointment as Additional District Judge where the situation demands that they should follow the instructions vigilantly and in letter in spirit. The petitioners have failed to highlight any illegality or irregularity which may warrant our interference in the constitutional jurisdiction nor any discriminatory treatment has been shown to us rather in our outlook, all the candidates have been treated indiscriminately according to the norms/canons laid down for the preliminary test.

5. The petition is dismissed in limine along with listed applications.

**Judge**

**Judge**