

IN THE HIGH COURT OF SINDH, AT KARACHI

Present:

Mr. Justice Aziz-ur-Rehman

Mr. Justice Adnan-ul-Karim Memon

C.P No.D-2461 of 2019

Dr. Shahzadi Anam Fayaz

.....Petitioner

Versus

Province of Sindh,

Through Chief Secretary Sindh and anotherRespondents

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1. For order on CMA No.13749 of 2019 (U/A)
 2. For hearing of CMA No.10968/2019.
 3. For hearing of main case.

Date of hearing: 06.05.2019

Date of order: 06.05.2019

Mr. Ali Tahir, Advocate for the Petitioner.

Mr. Abdul Jalil Zubedi, AAG.

ORDER

1] Granted.

2&3] It is, *inter-alia*, contended by the learned counsel for the Petitioner that she had applied for the post of `Women Medical Officer` [BPS-17]. Later on she was issued interview call/admission letter by the Respondent No.2 on 09.12.2018. The Petitioner in response thereto, did appear in `written test` and was declared successful candidate vide Press Release dated 08.1.2019. Besides she submitted all requisite qualification documents; that she also fulfilled all other requisite formalities. Learned counsel added that the Respondent No.2 thereafter issued letter dated 02.4.2019 and rejected the candidature of the Petitioner on the ground that Petitioner failed to submit MBBS Pass/Degree Certificate within

the stipulated period/before the closing date i.e. 15.8.2018. The Petitioner thus, on account of refusal to participate in the interview/via voce has called in question the aforesaid rejection letter and has filed the instant Petition on 11.04.2019.

The main grievance of the Petitioner is that she has fulfilled all the requisite formalities for recruitment to the post of Women Medical Officer in BPS-17 in Health Department, Government of Sindh but her candidature has wrongly been cancelled vide letter dated 02.04.2019 on the premise that she failed to complete `House Job` before the closing date i.e. 15.8.2018.

Perusal of record shows that notice was issued to the respondents vide order dated 12.04.2019 and the matter was posted today but none appeared on behalf of the Respondent-SPSC, however, learned AAG has put his appearance and refuted the claim of the Petitioner and supported the stance of the respondents vide letter dated 02.4.2019 and argued that Petitioner is not entitled to participate in interview for the aforesaid post on the ground that she has not completed the House Job as required under the PMDC Rules.

Mr. Ali Tahir, learned counsel for the Petitioner has pointed out that the learned Division Bench of Circuit Court at Hyderabad vide order dated 23.04.2019 in CP No.D-691 of 2019 has already allowed the other candidates to appear in interview / via voce being conducted by the SPSC and the matter is fixed on 08.5.2019. An excerpt of the order is reproduced as under:

“Be that as it may, issue notice to learned AAG as well as respondents for 08.05.2019. Meanwhile, petitioner shall be allowed to participate in interview/viva voce being conducted by the Sindh Public Service Commission in respect with appointments of Medical Officer BPS-17 (Male) tomorrow i.e. 24.04.2019 on the basis of his qualification as well written test; however, his result shall not be announced till final decision of this petition. Copy of the order be faxed today to the Respondents for compliance.

To come up alongwith C.P. Nos. D-597, 561, 622, 669 and 670 of 2019”

We have noticed that the Petitioner has been declared successful candidate in pre-interview written test for the post of Women Medical Officer [BPS-17] in Health Department, Government of Sindh vide Press Release dated 08.1.2019, thereafter Respondent-SPSC issued the impugned letter dated 02.4.2019, rejecting the candidature of the Petitioner on the ground that she failed to complete the House Job before the closing date i.e. 15.8.2018.

To ascertain as to whether the candidature of the Petitioner has been wrongly rejected or otherwise, and to appreciate the factum that under the similar circumstances other candidates have been allowed to appear in the interview / via voce being conducted by the Sindh Public Service Commission on the aforesaid post?

Since, no comments have been offered in-spite of service of notice; let notice be repeated upon the respondents. In the meanwhile, Respondent-SPSC is directed to provisionally allow the Petitioner to appear in the ensuing interview / via voce on 08.5.2019. However, her result shall not be announced till final decision of this Petition. Adjourned to **20.5.2019**. Let a copy of this order be transmitted to the Secretary, Sindh Public Service Commission, Hyderabad, through fax today, for information and compliance.

JUDGE

JUDGE