

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No.D-5470 of 2019

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

Fresh Case

1. For order on Misc No.24091/2019.
2. For order on Misc No.24092/2019.
3. For order on Misc No.24093/2019.
4. For hearing of main case.

26.08.2019

M/s Muhammad Ali Lakhani, Syed Ali Ahmed Zaidi and
Mujtaba Sohail Raja advocates for the petitioner.

x-x-x-x-x

1. Urgency granted.
 2. Granted subject to all just exceptions.
- 3&4. It is, inter-alia, contended by the learned counsel for the Petitioner that the Private Respondents have been shown to have qualified written test for the post of Controller Examinations in different Boards of Province of Sindh in disregard of the provision of Sindh Board of Intermediate and Secondary Education Ordinance 1972 and Rules framed thereunder and Petitioner has impugned the entire examination process. Per petitioner the same is in violation of the terms of Judgment dated 04.03.2016 passed by this Court in C.P No.D-6723/2015 and other connected petitions; that the purported examination process for the aforesaid posts was held on 28.07.2019 and result was announced on 11.08.2019 in violation of Promotion Policy; that the post of Controller of Examinations is a promotion post cannot be filled through direct recruitment, therefore, the recruitment process is sketchy; that the written test result is politically maneuvered cannot be relied upon on the premise that the private respondents are associated with political figures as such qualifying in written test is against the basic spirit of law.

Learned counsel pointed out that the respondent No.12 has secured mere 47 marks whereas respondent No.13 has been graced with 42 marks but have been declared as successful candidates in the written test, however, the passing marks are 50, which explicitly shows political intervention; that there is no transparency in the examination conducted by the official respondent No.28. Learned counsel in support of his contention has relied upon paragraph No.10(ii.ii) of the Memo of Petition and argued that there has been no notification modifying the standard of the examination as already communicated to aspiring applicants (including the petitioner); that Sindh Service Public Commission has been bypassed to conduct the test for the aforesaid post. He lastly prays for notice and seeks restraining order against the respondents No.1 to 3 from passing any final order with regard to the appointment of Respondents No.4 to 26 as against office of Controller Examinations.

The pivotal question involved in the instant petition is as to whether the private respondents are lawfully declared passed as Controller of Examinations in different Boards of Intermediate and Secondary Education or otherwise.

To appreciate the aforesaid factum of the case, let at the first instance notice be served upon the Respondents through all modes except publication. In the meanwhile, official Respondents are directed not to finalize the process of appointment of Respondents No.4 to 26 against the post of Controller Examinations in different Boards.

To come up on 12.09.2019.

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