

IN THE HIGH COURT OF SINDH AT KARACHI

CP D - 6830 of 2018

Present: **Muhammad Ali Mazhar and Agha Faisal JJ.**

Asif Ali

vs.

Province of Sindh and Others

For the Petitioner: Asif Ali, Petitioner in person

For the Respondents: Mr. Tahir Durrani, State Counsel.

Date of Hearing: 25.10.2018

Date of Announcement: 25.10.2018

JUDGMENT

Agha Faisal, J : Through the present proceedings, the petitioner has inter alia sought that the final result, dated 20.08.2018, of the screening test for the Combined Competitive Examination 2018, held by the Sindh Public Service Commissioner (“**SPSC**”), be declared illegal, unlawful and against the law.

2. Briefly stated, the SPSC advertised various posts vide an advertisement dated 19.02.2018, for which the combined competitive examination was prescribed. The applicable terms and conditions were delineated in the successive advertisements and press releases, copies whereof are available on file. The scope and syllabus of the evaluation process was demonstrably proliferated via the print media. The screening tests, to shortlist candidates for the Combined Competitive Examination 2018, were held at Larkana, Sukkur, Karachi and Hyderabad and 4458, out of 43089, candidates qualified. The qualified candidates did not include the petitioner.

2. The petitioner appearing in person argued that he was unable to obtain the requisite fifty percent (50%) marks and hence this Court may be pleased to direct that the benchmark for qualification be lowered to 40 percent, thus enabling the petitioner to qualify. It was argued that the SPSC employed a system of negative marking which may be declared

to be illegal and hence any marks deducted with respect to the petitioner in such regard may be added back to the tally. It was further argued that the announced final result dated 20.08.2018 of the screening test be declared null and void.

3. Comments were filed on behalf of SPSC, wherein it was contended that the terms and conditions in respect of the Combined Competitive Examination were duly advertised and that all the candidates applied in respect thereof after being fully aware of the same. The said advertisements, to notify the general public of the specifications relating to the examinations, were filed along with the comments. It was stated that the manner employed to conduct the screening test has not been challenged by any of the other candidates and hence the case of the petitioner is novel at best. The comments further stated that the SPSC conducted the screening test in a fair, objective and transparent manner and the present challenge to the same is unmerited by the petitioner, simply because he was unable to obtain the fifty present marks requisite for qualifying.

4. We have heard the petitioner and have also reviewed the record available on file. The petitioner has been unable to substantiate any entitlement or vested right to be able to seek the relief sought. It is also apparent that no grounds have been urged to merit interference with the Combined Competitive Examination process being undertaken by the SPSC.

5. The petitioner has been unable to place anything on the record to substantiate whether negative marking was employed in the evaluation of the screening test. However, even if this Court was to assume that the same was the case, it would follow that the same was applicable to the entire 43089 candidates and not to the petitioner alone. The threshold of the fifty present marks required for passing the screening test is also applicable across the board and appears to have been adopted as the benchmark by SPSC for universal application in the present examination. It is thus apparent that criterion employed by the SPSC is not discriminatory and has not prima facie infringed upon any fundamental right of the petitioner.

6. The SPSC has demonstrated that the terms and conditions governing the evaluation under consideration was duly proliferated and it would appear that the said terms and conditions were not objected to by the petitioner prior to sitting in the screening test and were only assailed one he failed to qualify. The petitioner failed to identify any legal infirmity in the terms and conditions put forth by the SPSC for the screening test and has further been unable to identify infraction of the law insofar as the SPSC testing criterion is concerned.

7. It is therefore the considered view of this Court that the present petition is misconceived and devoid of merit, hence, the same was dismissed, along with pending application, vide our short order dated 25.10.2018. These are the reasons for the said short order.

JUDGE

JUDGE

Karachi.

Dated 29th October 2018.

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