

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D - 2434 of 2013

Date of hearing	Order with signature of Judge
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Hearing of case

1. For hearing of CMA No.7759/2013 (I Rule 10 CPC)
2. For hearing of main case

01.11.2022

Mr. Masood Ahmed, Advocate for petitioner No.1.

None present for petitioner No.2.

Mr. Noor Hassan Malik, Assistant Advocate General Sindh along with SIP Ameer Ali Shah on behalf of D.I.G. Police, Sukkur Region and SIP Jameel Ahmed on behalf of S.S.P., Khairpur.

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1. The petitioners, through instant petition, seek the following relief(s):

- (a) *To declare the act of Respondents for not appointing the petitioners though petitioners were qualified in all the tests conducted by the Respondents and their names are mentioned in the Merit list, as illegal, against the law and is in violation of fundamental rights of petitioners guaranteed under the Constitution of Islamic Republic of Pakistan, 1973.*
- (b) *To declare the act of Respondents for appointing those persons who were not qualified even were unfit and not qualified the tests conducted by Respondents but due to favoritism and nepotism they were appointed under the influence of Ministers of the then Ruling party as illegal, unlawful.*
- (c) *To direct the Respondents to issue appointment orders in favour of petitioners and allowed them all benefits which were allowed by them to other persons who were appointed under the same advertisement.*
- (d) *To refer the matter to the NAB authorities for taking action against the Respondents as they violated the law and made corruption in the appointment and work under the influence of the Ministers of the then Ruling party.*

2. It is alleged that pursuant to advertisement published in various newspapers on 06.08.2021, the petitioners applied for the post of Police Constable in Sindh Police, Sukkur Region. It is further alleged that the petitioners passed the physical and written tests, and their names appeared on merit list at Serial No.98 and 4, respectively. Thereafter, the

respondents conducted viva-voce, which the petitioners also qualified. However, the respondents, under the influence of Ministers of the then Ruling party and by way of favouritism and nepotism, issued final merit list of successful candidates, wherein the names of the petitioners were dropped with *mala fide* intentions and ulterior motives; hence, this petition was maintained.

3. The respondent No.2 has filed para-wise comments, wherein it has categorically been stated that the petitioner No.1 though qualified the written test, yet he failed in viva-voce test, while petitioner No.2 failed to qualify the written test; hence, he was not called in viva-voce.

4. The petitioners have failed to rebut said para-wise comments of the respondents and nothing has been brought on record contrary to said comments in favour of the petitioners' case for their appointment against the alleged post; hence, the petitioners are not entitled for the relief prayed in prayers clauses (a) and (c) of the petition. So far the prayer clauses (b) and (d) are concerned, the same are vague and without supporting of any relevant document; hence, the same are not entertainable.

5. In view of the above, this petition being devoid of any merits is **dismissed** accordingly along with listed application.

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Abdul Basit