

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P No. D – 424 of 2019

Date of hearing	Order with signature of Judge
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Hearing of case (Priority)

1. For orders on Office objection at Flag 'A'
2. For orders on CMA No.3224/2023 (Ex.A)
3. For orders on CMA No.3225/2023 (1 Rule 10)
4. For orders on CMA No.1789/2023 (Ex.A)
5. For orders on CMA No.2336/2023 (Review Application)
6. For orders on CMA No.1790/2023 (1 Rule 10)
7. For orders on CMA No.1572/2023 (Ex.A)
8. For orders on CMA No.1573/2023 (1 Rule 10)
9. For orders on CMA No.1164/2023 (Ex.A)
10. For orders on CMA No.1163/2023 (1 Rule 10)
11. For orders on CMA No.797/2023 (Ex.A)
12. For orders on CMA No.798/2023 (1 Rule 10)
13. For orders on CMA No.219/2023 (Ex.A)
14. For orders on CMA No.220/2023 (1 Rule 10)
15. For orders on CMA No.6445/2022 (1 Rule 10)
16. For hearing of CMA No.1592/2019 (S/A)
17. For hearing of main case

03.05.2023

M/s Syed Jaffar Ali Shah, Manzoor Hussain N. Larik and
Muhammad Raza Soomro, Advocates for the Petitioners /
Intervenors

Mr. Ali Raza Baloch, Assistant Advocate General Sindh along with
Abdul Hannan Shaikh, Deputy Secretary, and Bhuromal, Law
Officer, Services, General Administration and Coordination
Department, Government of Sindh

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ORDER
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ZAFAR AHMED RAJPUT, J;- Learned AAG Sindh files through a statement copy of Notification dated 26.04.2023, issued by the Government of Sindh, Services, General Administration and Coordination Department regarding policy for the guidance of the Departmental Selection Committee and the Appointing Authority as specified under the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 regarding conducting of process for appointment of civil servants governed under the Sindh Civil Servants Act, 1973 and the rules framed thereunder for the posts BPS-05 to BPS-15, which is taken on record and copy thereof is supplied to learned counsel for the petitioners.

The petitioners who pursuant to an advertisement dated 23.11.2017 applied for various posts in BPS-06 to BPS-15 in District Health Office, Khairpur, through instant petition have sought, *inter-alia*, issuance of writ declaring thereby the acts of respondents No.1 to 3 of stopping the recruitment process in Health Department, District Khairpur as illegal, ab initio, null and void having no legal sanctity and in violation of articles 4 and 9 of the Constitution of the Islamic Republic of Pakistan, 1973. The petitioners have also sought directions to respondents No.1 to 3 to complete the recruitment process in health department on the basis of merit list of successful candidates issued by respondent No.4 / SIBA Testing Services and issued appointment orders of the petitioners on merit.

It is an admitted position that the petitioners including others candidates had participated in written test and they were shortlisted by respondent No.4 for interview as per list dated March 11, 2018 wherein cut off score of the success candidates was 35. The recruitment process under such publication has not yet been completed; however, meanwhile under the orders of this Court, Government of Sindh, Services and General Coordination Department has notified the aforementioned policy / guidelines dated 26.04.2023, wherein the cut off score of written examination has been fixed at 40. Considering the fact that the earlier cut off score was fixed at 35 by the SIBA, who was authorized to conduct the written test of the candidates under the aforementioned advertisement, the candidates who secured cut off 35 marks are entitled for the next step of the recruitment *i.e.* attending the interview and they cannot be deprived from appearing in interview merely on the ground that their cut off score is less than 40 fixed in policy / guidelines dated 26.04.2023.

Under the circumstances, with the consent of learned counsel for the parties, learned AAG Sindh and Abdul Hannan Shaikh, Deputy Secretary and Bhuromal, Law Officer, Services, General Administration and Coordination Department, Government of Sindh, we dispose of this petition with directions that all the candidates including petitioners who appeared in written test conducted on 11.03.2018 for the various posts in District Health Office, Khairpur pursuant to advertisement dated 23.11.2017 secured cut off score 35 shall be entitled to appear in the next step of the appointments *i.e.* interview to be scheduled by DRC,

Khairpur as notified vide Notification dated 03.03.2020 under the policy guidelines No.7(ii) dated 26.04.2023 within a reasonable time. It is needless to mention here that in future all posts shall be filled under the guidelines dated 26.04.2023.

The petition stands **disposed of** in the above terms along with listed applications.

Judge

Judge

ARBROHI