

ORDER SHEET  
**HIGH COURT OF SINDH CIRCUIT COURT,  
HYDERABAD**  
C.P No.D-144 of 2024

| DATE | ORDER WITH SIGNATURE OF JUDGE |
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| 1. | For orders on M.A No.945/2024     |
| 2. | For orders on office objection(s) |
| 3. | For orders on M.A No.946/2024     |
| 4. | For hearing of main case          |

30.01.2024

Mrs. Tahrim Jawahery, advocate for petitioner

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1. Urgency is granted.
2. Over ruled.
3. Exemption is granted subject to all just exception.
4. Learned counsel for the petitioner submits that since 08.12.2012 petitioner is serving as Staff Nurse (BS-16) in Health Department Government of Sindh and pursuant to advertisement No.01 of 2022 (**Annexure-A/1 page 17**) got published by the Sindh Public Service Commission/respondent No.2 he had applied for the post of Senior Nurse (BS-17) through proper channel (**Annexure-B page 21**) and he was accordingly issued Admit Card with Roll No.3641 (**Annexure-B/1 page 23**). She further submits that petitioner appeared in Pre-Interview Test and qualified the same vide Press Release dated 23.12.2023 (**Annexure-C page 27**), however, his candidature has been rejected on account of over age of six years and three months. She submits that petitioner through his application (**Annexure-D page 29**) had applied for relaxation in upper age and his case in this regard is pending with respondent No.2/Secretary to the Government of Sindh Services, General Administration and Coordination Department, who had also issued such Certificate (**Annexure-D-1 page-31**), however, since the respondent/SPSC is conducting interviews of the candidates, therefore, petitioner may also be allowed to participate in said interview but his result may be withheld till decision on his pending application with regard to relaxation in age.

Mr. Muhammad Sharif Solangi Assistant A.G Sindh effected appearance on Court call and after going through the record waived notice and submits that since the case of petitioner, as to the relaxation in upper age, is pending adjudication, therefore, he may be allowed to participate in interview but his result may be withheld till decision on his application.

We have heard the learned counsel for the parties and have also perused the material available on record. It appears that petitioner is a government servant and presently serving as Staff Nurse (BS-16) and pursuant to advertisement bearing No.01 of 2022 he had applied for the subject post viz: Senior Nurse (BS-

17) through proper channel and for which he had qualified the pre-interview test under the Roll No.3641, but he has not been shortlisted for interview on account of upper age. Perusal of advertisement shows that for the subject post though minimum age limit is from 21 to 30 years, however, there is also a general age relaxation upto 15 years, as allowed by the Government of Sindh, but petitioner has also surpassed the said general relaxation of 15 years, however, his application is pending adjudication with respondent No.2 for relaxation in upper age of 07 years (beyond general relaxation of 15 years).

The duty of Sindh Public Service Commission is confined only to the extent of recommending the suitable/eligible candidates for appointment in BS-16 and above in various Departments of Sindh Government, subject to competitive process in accordance with law and the relaxation in age and other allied matters after appointment of said officers is prerogative of Sindh Government/Respondent No.2, but though the petitioner has qualified the written test for the subject post, yet he has not been shortlisted by SPSC for interview despite the fact that his application in this regard is pending adjudication before the competent authority i.e respondent No.2, while as per list(s) attached with the memo of petition at page-53 to 59 the last date of interview for the subject post is 02.02.2024.

In view of the above position, this petition stands disposed of with directions to respondent No.2/Secretary to the Government of Sindh, Services, General Administration and Coordination Department to decide the pending application of petitioner within two days from today strictly in accordance with law. In the meanwhile, since the last date of interview for the subject post is fixed for 02.02.2024, therefore, respondent No.3/Chairman SPSC is directed to conditionally allow the petitioner to participate in interview for the subject post, however, appointment of petitioner against subject post, even if he qualifies in interview, will be subject to decision on his application by respondent No.2 as directed above. Copy of this Order be sent by fax today to respondents for compliance.

Captioned petition stands disposed of in the above terms.

JUDGE

JUDGE

Sajjad Ali Jessar