

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

Constitutional Petition No. D-4419 of 2023

*(Mehwish Hameed and another v School Education and Literacy Department and another)*

Date	Order with signature of Judge(s)
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Before:

Mr. Justice Muhammad Karim Khan Agha

Mr. Justice Adnan-ul-Karim Memon

**Date of hearing and Order:- 20.12.2024**

Petitioner Mehwish Hameed is present in person

Mr. Jawad Dero, Additional AG

**ORDER**

**Adnan-ul\_Karim Memon, J:** Petitioners request this court to order respondents to allow them to participate in the interview for the posts of Botany & Zoology (subject) specialist, conducted by Sindh Public Service Commission (SPSC) citing their superior qualifications (M.Ed, LLB, MSc) and research/teaching experience compared to other selected candidates.

2. Petitioners, a Botany specialist, and a Zoology specialist, both claimed to have passed the SPSC written test in June 2023, scoring above the passing mark of 33. Despite this, their roll numbers were not included in the results announced in August 2023. Petitioners submit that SPSC has unfairly applied negative markings, contrary to its rules. She also contends that the lack of a merit list and the non-disclosure of computerized test scores for all candidates is a violation of transparency principles. She seeks this court's intervention to rectify this injustice.

3. The Additional Advocate General argues that SPSC's use of negative marking is standard practice to shortlist candidates. Petitioner failed to meet the minimum passing score and cutoff score as required. SPSC has improved transparency, and the petition is unfounded. He lastly prayed for the dismissal of the instant petition.

4. We have heard petitioner No.1 who is present in person as well as learned AAG and have perused the record with their assistance.

5. The High Court can review SPSC decisions if they are unconstitutional, illegal, or unfair. However, the Court cannot substitute its judgment for the SPSC's, but can only ensure the decision's legality and fairness. However, in the present case, it appears that the Sindh Public Service Commission announced the posts of subject specialist Zoology and Botany (BS-17) under the School Education and Literacy Department Government of Sindh vide advertisement No. 09/2022 dated 11.11.2022, both petitioners applied against the said posts and

secured fewer marks in pre-interview written test on Urban quota as alleged. The recommendation process has not been completed vide press release dated 10.10.2023, 17.10.2023, and 21.11.2023, and the candidates have been accommodated to their respective posts, at this stage to scrutinize the MCQs answer sheet of the petitioners by this Court is a herculean task, which cannot be undertaken under Article 199 of the Constitution, however, the petitioners are at liberty to approach the Chairmen Sindh Public Service Commercial redressal of their grievances in terms of regulations framed by the competent authority of the Government of Sindh, which shall be taken care of after providing meaning hearing of the petitioners.

6. Petitioners have thus failed to make out their case for the indulgence of this Court under Article 199 of the Constitution at this stage. Consequently, the instant Petition stands disposed of in the above terms.

JUDGE

JUDGE