

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS
C.PNo.D-439 of 2024

[Sathi Khan and 14 others vs Province of Sindh and others]

Date	Order with signature of the Judge
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Fresh Case

1. For Order on Office Objection
2. For Order on Misc: Appl. No.2842/2018 (Stay Appl)
3. For Hearing on the main case

07.01.2025

Mr.Mian Taj Muhammad Keerio, Advocate for the Petitioners
Mr.Ayaz Ali Rajpar, Asst. Advocate General

Through this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the Petitioners seek direction to the Respondents to issue appointment letters to the Petitioners for the post of Police Constable (BPS-05), for which they have already qualified the recruitment test.

Upon scrupulous deliberation of the arguments propounded by the learned counsel for the Petitioners and the learned Additional Advocate General (A.A.G.), coupled with an exhaustive examination of the petition's contents, it is incontrovertibly observed that the Petitioners purport to have succeeded in the written, physical, and running tests, yet have not been issued offer letters. Conversely, the comments proffered by Respondent No.2 elucidate that appointment orders were dispensed exclusively to those candidates who attained a minimum threshold of 35 marks in the written test and subsequently triumphed in the interview conducted by the Committee. Furthermore, the comments illuminate that the Petitioners failed to secure the requisite marks in the written test, as evidenced by the result sheet promulgated by the I.B.A. Sukkur, and did not succeed in the interview.

Merely excelling in the written test does not incontrovertibly assure success unless the requisite marks in the interview are also procured. The prerogative to appraise and score candidates resides unequivocally with the Interview Committee, and its adjudication cannot be superseded by this Court. The expertise of the Committee is conceded and shall be interrogated only upon incontrovertible evidence of egregious negligence or malafide intent. The selection process inherently involves the exercise of human discretion predicated on specific criteria, which this Court is not positioned to re-evaluate via judicial review. The judiciary is not to usurp the role of the appointing authority in adjudicating a candidate's eligibility for a position.¹

¹ASIF HASSAN vs SABIR HUSSAIN (2019 SCMR 1970)

Furthermore, the Divisional Bench of this Court at Sukkur, inclusive of one of us, Arbab Ali Hakro J, adjudicated and summarily dismissed the petitions in the case of Ali Hassan and others² under analogous facts and circumstances. The judgment promulgated by the Divisional Bench constitutes an authoritative precedent upon this Court. The Court engaged in an assiduous examination of the facts and circumstances parallel to the present case and deduced that the petitions were devoid of substantive merit. This determination emanated from an exhaustive analysis of the pertinent legal principles and the evidentiary material proffered. Consequently, the judgment serves as an obligatory precedent for this Court, underscoring the imperative of adhering to established legal standards and ensuring uniformity in judicial decisions.

For the foregoing reasons, the instant petition is **dismissed** in *limine*.

J U D G E

J U D G E

Arif.

²ALI HASSAN versus PROVINCE OF SINDH (2024 PLC(CS) 396