

IN THE HIGH COURT OF SINDH, AT KARACHI

C.P. No. D-5188 of 2023

PRESENT:

**MR. JUSTICE AQEEL AHMED ABBASI
CHIEF JUSTICE
MR. JUSTICE ABDUL MOBEEN LAKHO**

Muhammad Khan

V/s.

Province of Sindh and others

Date of hearing 25.01.2024

Mr. Altaf Sachal Awan, Advocate a/w the Petitioner.

Mr. Saifullah, A.A.G.

Mr. Masood Hussain Khan, Advocate for Respondent No.2.

M/s. Syed Ghulam Shabbir Shah, Bilal Ahmed Akhund, Anas Habib and Mukesh Kumar, Advocates for the Respondent No.4.

ORDER

Abdul Mobeen Lakho, J. The Petitioner has invoked the constitutional jurisdiction of this Court by filing captioned petition with the following common prayers:-

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A. Declare that the act of official respondents for ignoring the local Sindhi Cricket Players is illegal and against the fundamental rights of local Sindhi Players.

B. Declare that the selection of team Management and their owners without advertisement and PPRA Rules are null, void, illegal and against the law.

C. Call report from the respondent No.1 regarding utilization of funds of poor Sindhi People in the event and to conduct inquiry.

2. Briefly the facts of the case as narrated in the memo of petition are that the Government of Sindh has announced a sports event namely, 'Sindh Premier League' consisting upon six teams without inviting the interested persons for selling teams and players, which shows that this event is not for selection of talent team from Sindh. According to the petitioner, neither the trial has been conducted properly nor the players selected as per schedule, whereas, this event would be purely local and provincial level, but only 5

Sindhi emerging players can be played in whole tournament and from these 5 players the officials have selected many players from other provinces. According to the petitioner, one Arif Malik has been appointed as Chairman, Sindh Premier League, who belongs to Kashmir and already arranged Kashmir Premier League resulting to close the doors for original Sindhi Players in whole event.

3. Learned counsel for the Petitioner argued that it was responsibility of Sindh Government to call applications from interested persons and after scrutiny, the Chairman would be appointed. Per learned counsel for the petitioner, due to such circumstances, the petitioner and other Sindhi players are under apprehension of damage of their future and talent, therefore, the petitioner has no other option except to knock the door of this Court to save the future of Sindhi players. Learned counsel for the Petitioner stated that the fundamental rights of the petitioner has been infringed, hence, finding no other efficacious and alternate remedy has approached this Court for redressal of their grievance by filing the instant Constitution Petition.

4. Conversely, learned A.A.G. as well as learned counsel for the Respondent No.2 and learned counsel for the Respondent No.4 argued that the instant petition is not maintainable on the ground that the allegation of pick and choose levelled by the petitioner is false, whereas, all the players have been selected on merits including from the province of Sindh, keeping in view their performance. They further argued that sports events are necessary for healthy environment and the purpose of holding 'Sindh Premier League' is to fetch the talent from far flung areas of Sindh, but the petitioner is trying to create unnecessary delay in holding such event. Learned A.A.G. and learned counsel for the Respondent Nos.2 and 4 argued that it is big event at the level of Sindh Province and in order to make it successful selection on merit is indispensable. They further argued that the petitioner has failed to produce any documentary evidence to show that the respondents have ignored the talent, whereas, the respondents are keen to make such even more better and prosperous in coming future because the success of this kind of event is based on merit. They finally

prayed that instant petition may be dismissed on the above facts and grounds.

5. Heard learned counsel for the parties and perused the record. The grievance of the petitioner is that the selection process of players for the event of 'Sindh Premier League' was not transparent on the ground that all the players have been selected from whole country, which shows that the petitioner and other players from Sindh have been ignored. It is encouraging to note that the Sindh Government intends to organize such event, which according to learned A.A.G. and learned counsel for the Respondent Nos.2 and 4 will be made more beneficial for the youth in future. Keeping in view the factual and legal position, any interference under constitutional jurisdiction by this Court at this stage would affect the arrangements made by the Sindh Government by spending funds, as the whole event will be seen by public at large, therefore, transparency on the process of selection of players is indispensable and as per joint statement given by the learned A.A.G. as well as learned counsel for Respondent Nos.2 and 4 that players belonging to Sindh Province are also participating in this event, which is scheduled to be held between 5th January, 2024 to 5th February, 2024

6. For the foregoing reasons, we have *dismissed* instant petition by our short order dated 25.01.2024.

Judge

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