

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Constitutional Petition No.D-170 of 2014.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE.
-----------------	--

01.10.2015.

1. For orders on office objection.
2. For Katcha Peshi.

Mr. Habibullah G. Ghouri, advocate for petitioner.

Mr. Abdul Hamid Bhurgri, Addl. A.G.

Petitioner Ghulam Mustafa Channo has invoked the extraordinary Constitutional jurisdiction of this Court seeking following reliefs :-

- a) *That this Honourable Court may graciously be pleased to direct the respondents to issue appointment order of the petitioner as Police Constable in Sindh Police District Larkana.*
- b) *Award costs of the petition.*
- c) *Any other equitable relief be granted to the petitioner.*

2. From the pleadings it appears that in the year 2012 petitioner alongwith other eligible candidates applied for recruitment as Police Constable in Sindh Police, Larkana District and after qualifying the written test as well as interview he was declared successful and his name appeared at Sr. No.537 of the merit list, which reflects that he obtained 70 marks. Grievance of the petitioner, as raised in the instant petition, is that the other candidates, who neither participated in the written test nor appeared in the interviews, have been issued appointment orders, whereas he has been deprived from his lawful right. It further appears that one Irfan Ali son of Saleem Shaikh, who secured less marks (65) and his name appeared at Sr. No.558 of the said merit list, was also appointed as Police Constable through appointment order dated 27.9.2012 (available at page 70).

3. Notices were issued to the respondents and the respondent No.1 has filed parawise comments, which are available on record.

4. Mr. Habibullah G. Ghouri, learned counsel for the petitioner, contended that the petitioner being eligible for the post of Police constable having qualified the written test as well as interview was entitled to be appointed, but the respondents for reasons best known to them did not issue appointment order to the petitioner, whereas other candidates who obtained less marks being blue-eyed boys of the respondents were accommodated, which amounts to discrimination on the part of respondents as well as violation of Article 4 and 25 of the Constitution.

5. Mr. Abdul Hamid Bhurgri, learned Addl. A.G contended that official respondents have issued appointment orders strictly in accordance with the law and per merit. However, the could not controvert the contentions advanced at bar by Mr. Ghouri in relation to appointment of Irfan Ali son of Saleem Shaikh, who obtained 65 marks, whereas the merit list reflects that the petitioner obtained 70 marks.

6. We have heard learned Counsel for the parties and perused the record including the merit list.

7. Bare perusal of the merit list would stipulate that petitioner's name finds placed at Sr. No.537 and he obtained 70 marks, whereas name of Irfan Ali appears at Sr. No.558 with 65 marks. The respondents as well as Addl. A.G have not disputed the genuineness of the merit list, which prima facie indicates that the petitioner's case is on better footings that the case of Irfan Ali.

8. In view of above. We are [✓] of the considered view that the petitioner is entitled for the appointment of Police Constable. Consequently, respondent No.1 and 2 are directed to issue appointment order to the petitioner within 30 days subject to



45

verification of his testimonials. Non compliance of this order will expose the delinquent officials to contempt proceedings.

9. For the foregoing detailed reasons, instant petition was allowed by short order dated 01.10.2015 in Court.

Judge 2/10/2015

Judge 2/10/15