ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
C.P No.D- 378 of 2013

DATE	ORDER WITH SIGNATURE OF JUDGE

1. For Katcha Peshi.
2. For Hearing of M.A No.1667/2013

08.5.2014
Mr. Saleem Raza Jakhar, advocate for petitioner.
Mr. Abdul Hamid Bhurgri, Addl. A.G.

Through the instant constitution petition, petitioner has prayed for the following relief(s):-

(a) That this Hon'ble Court may be pleased to direct the respondents No.2 to 4, to provide job/appoint petitioners as CONSTABLE in police department on the basis of prevailing policy of the government and the Standing Orders.

2. Notices were issued to the respondents as well as A.A.G. Comments are filed on behalf of respondents. In the comments filed by respondent No.3 Khadim Hussain Rind, Deputy Inspector General of Police, Larkana. Relevant portion in Para No.3 is reproduced herewith:-

03) That contents of Para No.04 to 12 are humbly denied. In this connection, it is submitted that IGP, Sindh Karachi, vide his an other order No.16815-42/E-IV/2011 dated 16.09.2011, allocated the following number of vacancies in the rank of constable for recruitment against son quota in districts of Larkana Range.

Name of district	No. of vacancies allocated
Larkana	37
Kamber-Shahdadkot	18
Shikarpur	30
Jacobabad	22
Kashmore @ Kandhkot	24
Total	**131**

In this connection, it is submitted that Worth IGP, Sindh Karachi, vide his order No.23503-24/T-7/E-IV/S&S/2011 dated 28.11.2011, has constituted boards for verification and finalizing the cases against son/serving employees quota, wherein following committee constituted for Larkana Range:

i. The DIGP Larkana Range (Chairman)
ii. The ADIG (Establishment) Larkana
(Now post abolished)
iii. Two SSsP/SsP, nominated by DIGP Larkana (Members)
(SSP Larkana & SP Kamber-Shahdadkot were nominated).

That petitioner along with other candidates of Kashmore at Kandhkot district who qualified in written & physical tests were called, vide this office letter No. Estt.E.II/ 15096-102 dated 03.5.2012, to appear before the Selection Board along with Original Documents for their interview/viva-voce at Range Office Larkana on 14.5.2012 (Monday). During the course of interview/viva-voce petitioner was declared fail.

3. After hearing learned counsel for the parties, it is ordered that case of the petitioner who has applied for the post of Police Constable shall be reconsidered by the respondents/recruitment committee according to the existing policy, rules as well as judgment passed by this Court in the case of Muhammad Aslam v. Government of Sindh reported in 2013 PLC (C.S) 1275 wherein, in similar circumstances, petition was allowed. It would be conclusive to refer the relevant para No.9 and 10 of the said dictum, which is reproduced as under:-

> *9. Having said so, now we would revert to the merits of the case in hand. The following facts are not disputed at all:--*
>
> *(i) the petitioner No.1 has served more than 20 years in the police department.*
>
> *(ii) the petitioner No.2 is the real son of the petitioner No.2.*
>
> *Both the above undisputed facts leave nothing ambiguous that the case of the petitioners fall within the meaning and objective of the* ***Standing Order*** *therefore, the petitioner No.2 is legally entitled for extension of relief, so provided under the Standing Order in question.*
>
> *10. Now we would further like to examine the condition of eligibility, as per the Standing Order, which is that "who otherwise meet the criteria of Constable, Junior Clerk and Naib Qasid". This puts only a condition that children of the employees shall be required to show that they fall within the "criteria" so required for such post. This no-where requires that such qualified candidate (per Standing Order) should also undergo all tests, as are to by a regular candidate. The word "****criterion****" is defined in the Oxford dictionary as "****a principle a standard by which something may be judged or decided****". This also makes it clear that it is the qualification/requirement for the job which are described at the time of inviting application(s) for such jobs. Such eligibility of the petitioner No.2 is no where disputed because he was found physically fit so was allowed to appear in written test and even he qualified such written test(s) twice which also proves that the petitioner No.2 was, at such times, falling within the "criterion" so required for the post of constable."*

4. Thus, we direct the concerned respondents to reconsider and decide the case of the petitioner within the parameter as laid down in above referred petition and Standing Order/policy, which was in existence at the time when petitioner passed written test, within a period of three months under intimation to this Court.

5. Constitution petition stands disposed of accordingly.

Judge

Judge

Abid H. Qazi/**