

ORDER SHEET  
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA  
C.P No.D- 468 of 2013



DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For Katcha Peshi.
2. For Hearing of M.A No.2216/2013

08.5.2014

Mr. Ghayoor Abbas Shahani, advocate for petitioners.  
Mr. Abdul Hamid Bhurgri, Addl. A.G.

Through the instant constitution petition, petitioners have prayed for the following relief(s):-

- (a) That this Hon'ble Court may be pleased to declare the act of respondents as respondents have issued appointment order to their favourite one, and further be pleased to direct the respondents to treat the petitioners on the same footing though the petitioners have qualified same criteria.
- (b) That this Honourable Court may be pleased to direct the respondents No.1 to 6 to produce the merit list of the qualified candidates as well as the viva-voce merit list of the appointee Moula Bux and further be pleased to direct the respondents not to issue appointment order to their favourite persons without due course of law.
- (c) That this Honourable Court may further be pleased to direct the respondent No.1 to 6 to produce the merit list of District Shikarpur and appointment orders which have been issued without policy.

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.4 Capt. (R) Parvez Ahmed Chandio, Senior Superintendent of Police, Larkana in Para No.13, it is mentioned as under:-

"It is submitted that petitioners have passed the written test and were called for interview by the selection committee headed by the then D.I.G.P, Larkana Range and were not recommended for appointment. Hence, petition is liable to be dismissed in the interest of justice."

3. After hearing learned counsel for the parties, it is ordered that case of the petitioners who have 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 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 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 petitioners within the parameters as laid down in above referred petition and Standing Order/policy, which was in existence at the time when petitioners passed written test, within a period of three months under intimation to this Court.

5. Constitution petition stands disposed of accordingly.



Judge



Judge