

53

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
C.P No.D- 381 of 2014

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

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

15.5.2014

Mr. Ahmed Bux Abro, advocate for petitioner.
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 direct the respondents to appoint the petitioner on the basis of Son Quota as well as on merits in accordance with law.

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 Altaf Hussain Leghari, Superintendent of Police, Larkana in Para No.10, it is mentioned as under:-

"It is submitted that petitioner joined the process of recruitment for the post of constable on sons/Children Quota of serving and retired Police employees, whereby petitioner declared fail in Viva-voce duly endorsed by selection committee handed by the then DIGP Larkana by the then DIGP Larkana Range. Therefore, petition is not maintainable and deserved to be dismissed."

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 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 nowhere requires that such qualified candidate (per Standing Order) should also undergo all tests, as are to be by a regular candidate. The word "**criteria**" 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 nowhere 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 "criteria" 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