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ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
C.P No.D- 1229 of 2012

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection 'A'
2. For Katcha Peshi.

08.5.2014

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

Through the instant constitution petition, petitioners Zohaib Ali and Muhammad Aslam have 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 have been filed on behalf of respondents. In the comments filed by respondent No.2, Abdul Khaliq Shaikh, Deputy Inspector General of Police, Larkana in Para No.3, it is mentioned as under:-

" 03. That, 37 seats of police constables for recruitment against son quota were allocated to district Larkana by the Inspector General of Police, Sindh Karachi, vide letter No.16815-42 dated 16.9.2011. As against (399) candidates appeared before the board for viva voce test held on 8th and 9th May, 2012 (Monday and Wednesday at Range Office Larkana) and (115) candidates remained absent in viva voce. In fact the petitioners also appeared before the selection board but they were not considered suitable/fit for the post of constable, by the board and they were declared failure. Their names appeared at serial Nos. as shown against each in the result sheet of district Larkana, issued vide this office No.E.II/22418 dated 21.06.2012".

<u>Name of petitioner</u>	<u>Serial No.</u>	<u>Marks Obtained.</u>
a. Zuhaib Ali Khichi	350	37
b. Muhammad Aslam Qureshi	366	37

3. It appears from the record that the petitioners appeared but they were declared failure in the viva voce. After hearing learned counsel for the parties we direct 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 parameter 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

- 1 - For Order in M.A 4795/2014 (U/A)
- 2 - For Order in M.A 4796/2014 (E/A)
- 3 - For Order in M.A 4818/2014 (E/A)

06.11.2014 Mr. Saleem Raza Farhan, a/cr. for petitioners.

1. Urgency application granted.
2. Granted subject to all just exceptions.
3. Notice. Adjourned to 23.12.2014.