

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No. D-81 of 2025
(Aqib Hussain Vs P.O Sindh & others)

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

1. For Orders on CMA No. 386/2025 (Stay).
2. For hearing of main case.

ORDER.
25-02-2025.

M/s Rehman Abbas Niazi Pathan and Shafique Gopang advocate for the petitioner.

Mr. Ali Raza Baloch, Assistant A.G, Sindh along with Mubashir **Hussain** Shah Reserve Inspector on behalf of DSP HQ Sukkur and PI Ihsan Ahmed Phulpoto on behalf of SSP Sukkur

The Petitioner requests the court to declare him a successful candidate in the physical fitness test and direct the respondents to include him in the written test. He also seeks direction to the respondents to produce the attendance sheet and camera recording of the second shift of the physical test for verification.

2. The Petitioner applied for the position of Assistant Sub Inspector (BPS-09) in the Sindh Police, advertised by the Sindh Public Service Commission. The Petitioner received an admission slip for a physical fitness test scheduled for October 11, 2024. However, due to a planned Umrah pilgrimage, the Petitioner requested and was granted permission to take the physical test on October 2, 2024. The Petitioner completed all physical requirements, including running 1600 meters in 8 minutes. Despite successfully passing the physical test, the Petitioner's name was omitted from the published results. The Petitioner filed a complaint with the relevant authority, but it was dismissed with a statement that no error was found. The Petitioner believes the respondents are intentionally excluding him and favoring other candidates.

3. The learned counsel for the petitioner argued that the petitioner fulfilled all requirements of the physical fitness test. The omission of his name from the results is unjust and arbitrary. He suspects the respondents

are manipulating the selection process. He has exhausted all other avenues for redressal. He prayed for allowing the petition.

4. The Learned AAG confirmed the advertisement and the Petitioner's application for the ASI position under the Sukkur Urban Quota. However, the AAG vehemently denied the Petitioner's claim of attending and passing the physical fitness test on October 2, 2024. The AAG asserted that the Petitioner was scheduled for the test on October 1, 2024, at Police Headquarters Shikarpur Road, Sukkur, but was absent, providing an attendance sheet as evidence. Furthermore, the AAG stated that official records confirm the Petitioner's absence on both October 2nd and the originally scheduled date of October 11th. The AAG confirmed that the Petitioner's review application was processed, and upon verification, no errors were found, presenting a letter as proof. The AAG referenced a prior court order (CP No-658/2024), advising candidates to file appeals under RMR 161 for grievance redressal, suggesting the Petitioner pursue this avenue. The AAG argued that due to the Petitioner's documented absence from the scheduled physical fitness tests, he is ineligible for any relief from the court. Consequently, the AAG requested the court to dismiss the petition, maintaining that the Petitioner's requests are without merit.

5. We have heard the learned counsel for the parties and perused the record with their assistance.

7. The Petitioner's case rests on the claim that he took and passed the test on October 2nd, with permission, despite an original date of October 11th. The Respondent disputes this, alleging his absence on both dates. This factual conflict necessitates evidence and is unsuitable for resolution in a writ petition.

8. While the Court possesses the authority to ensure fairness, the SPSC's findings remain undisturbed. The petition is dismissed, directing the petitioner to pursue legal remedies where he can establish his presence at the examination on the relevant date and time.

Judge

Judge

Nasim/P.A

