

**IN HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

CP No. D-400 of 2025

PRESENT:

MR. JUSTICE ARBAB ALI HAKRO

MR. JUSTICE RIAZAT ALI SAHAR

Mr. Ghulam Mohiuddin Jamali advocate for petitioner.

Date of hearing & decision: 13.03.2025.

ORDER

RIAZAT ALI SAHAR, J: - Through this petition, the petitioner has prayed as under:-

- 1. To declare that the final merit list of the Town Officers BPS: 16 is illegal, void, ab initio and in violation/contrary to the set principles recommended by the Honorable Supreme Court of Pakistan as well as Honorable High Court Sindh in multiple judgments.*
- 2. To declare that the petitioner was malafidely and illegally failed in the viva-voce by deliberately awarding less marks by the interview panel to appoint the blue eyed candidates.*
- 3. To declare that the Representation Order of the Member Appeals is illegal and contrary to the context of the regulation and thus null and void.*
- 4. The Chairman SPSC may kindly be directed to hold re-interview of the petitioner as per the direction of the Honorable High Court in Para 22 (D) (E) (F) of the judgment in C.P. No.D-1708 of 2023 and C.P. No.D-1709 of 2023 for justice.*
- 5. To direct the respondent No.6 chairman NAB to hold inquiry about all the appointments under the existing Chairman SPSC, especially the appointments of TMOs to ascertain the transparency of the selection process.*
- 6. Any other relief.....*

2. The primary grievance of the petitioner in the present case is that, despite being declared successful in the written test for the post of Town Officer in the Local Government Department, Government of Sindh, by securing 73 marks out of 100, he was subsequently declared unsuccessful in the interview. Although the petitioner availed himself of the statutory remedy provided under Regulation 161 of the Sindh Public Service Commission (Recruitment Management) Regulations, 2023, his representation was rejected by the Member (Appeals), Sindh Public Service Commission, through an order dated 25.11.2024. Aggrieved by such rejection and alleging arbitrariness and procedural irregularities, the petitioner has invoked the constitutional jurisdiction of this Honourable Court through the present petition, seeking judicial review of the impugned action.

3. We specifically inquired from the learned counsel for the petitioner whether this Court, while exercising its constitutional jurisdiction, could engage in a subjective re-evaluation of the petitioner's interview performance and substitute its own opinion for that of the Interview Committee, or whether there existed any procedural irregularity or violation of law that would warrant interference under constitutional jurisdiction. In response, the learned counsel contended that the petitioner had duly availed himself of the statutory remedy by filing a Representation under Regulation 161 of the Sindh Public Service Commission (Recruitment Management) Regulations, 2023, which was subsequently dismissed by the Member (Appeals), Sindh Public Service Commission. On this premise, the learned counsel asserted that the petitioner was entitled to invoke the extraordinary jurisdiction of this Court. However, with regard to the Court's specific query on whether any procedural lapse or legal infirmity had vitiated the selection process, the learned counsel was unable to furnish any cogent

argument or point to any specific breach of law that would justify judicial interference. It is a well-settled principle that constitutional jurisdiction cannot be exercised as an appellate forum to reassess the subjective satisfaction of a duly constituted Selection or Interview Committee unless a patent illegality, mala fide intent, or violation of fundamental rights is demonstrably established.

4. It remains undisputed that the petitioner, having successfully cleared the written test, became eligible to appear for the interview/viva voce for the post of Town Officer in the Local Government Department, Government of Sindh. However, he was ultimately unsuccessful in the interview stage. It is imperative to underscore that the interview is a mandatory prerequisite for appointment, and mere success in the written examination does not confer an automatic right to selection. The written test primarily evaluates a candidate's academic knowledge and cognitive abilities, whereas the interview assesses essential attributes such as personality traits, communication skills, confidence, and decision-making abilities, which fall exclusively within the domain of the Interview Committee's expertise. It is a well-settled principle that the interview process is inherently subjective in nature, as it involves an evaluative judgment based on the overall impression of a candidate's suitability for the post. A Court of law, while exercising constitutional jurisdiction, cannot act as an appellate forum to reappraise or supplant the assessment made by a duly constituted Interview Committee unless there is a demonstrable violation of law, mala fide intention, or arbitrariness in the process. The superior judiciary has consistently held that selection committees, being best placed to assess candidates' suitability, must be accorded due deference unless a clear case of illegality or discrimination is established. In this regard, reference may be made to the judgments

in *Muhammad Ashraf Sangri v. Federation of Pakistan and others*(2014 SCMR 157) and *Federation of Pakistan through Secretary Establishment Division v. Ghulam Shabbir Jiskani* (2011 SCMR 1198), which reaffirm the principle that the assessment of an Interview Committee cannot be substituted by a Court in the absence of compelling reasons warranting judicial intervention. Moreover, the petitioner has failed to demonstrate any manifest procedural irregularity or legal infirmity in the conduct of the interview process that would justify invoking the extraordinary jurisdiction of this Court. In the absence of any cogent evidence indicating bias, discrimination, or deviation from prescribed rules, the petitioner's mere dissatisfaction with the interview outcome does not, in itself, constitute a valid ground for judicial interference.

5. In light of the foregoing discussion, we find no justifiable grounds to interfere with the interview process or to supplant our own assessment in place of the Interview Committee's evaluation, particularly in the absence of any manifest illegality, procedural irregularity, or violation of law. It is a well-established principle that judicial intervention in matters involving subjective assessments by expert committees is warranted only where there is compelling evidence of mala fide intent, arbitrariness, or a breach of statutory provisions, none of which have been demonstrated in the present case. Accordingly, this petition is dismissed in *limine*, along with pending applications, if any. There shall be no order as to costs.

JUDGE

JUDGE