

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

C.P No.D-996 of 2024

[Allah Bux and Others vs. Province of Sindh and Others]

C.P No.D-1366 of 2024

[Ameer Ali and Others vs. Province of Sindh and Others]

C.P No.D-594 of 2025

[Wajid Ali and Others vs. Province of Sindh and Others]

C.P No.D-737 of 2025

[Muhammad Nabeel Khan vs. Province of Sindh and Others]

C.P No.D-834 of 2025

[Zameer Ahmed and Others vs. Province of Sindh and Others]

C.P No.D-1334 of 2025

[Saeed Ahmed vs. Province of Sindh and Others]

C.P No.D-1675 of 2025

[Ali Raza vs. Province of Sindh and Others]

C.P No.D-1693 of 2025

[Waqar Ali vs. Province of Sindh and Others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE RIAZAT ALI SAHAR

M/s Irfan Khaskheli, Laraib Abbasi, Meer Muhammad Buriro, Naveed Hussain Umrani, Muhammad Ali Kandhro, Khalid Mustafa Shoro, Abdul Rasheed Abro, Mir Murtaza, and Rameez Ali Jamali, advocates for petitioners.

Petitioner Ali Raza in person in C.P. No.D-1675 of 2025

Mr. Rafique Ahmed Dahri, Assistant A.G. Sindh a/w DSP Aijaz Sali Ghor, Inspector Abdul Momin Shaikh, Inspector Farrukh Ali Domki, Inspector Muhammad Aslam, SIP Noor Muhammad

Date of hearing & decision: 20.11.2025

ORDER

ADNAN-UL-KARIM MEMON J.- The petitioners in these connected Petitions have questioned the results declared by Recruitment Committee for the post of Police Constable (BS-07) in Sindh Police, Hyderabad Range, based on the discrimination.

2. As all the petitions involve a common legal issue, they are being decided through a single order.

3. The recruitment advertisement published on behalf of official Respondents, invited male and female candidates residing in the relevant districts of Sindh to apply for the position of Police Constable (BPS-07). Candidates needed Matric qualifications, an age between 18 and 28 years, and must meet the prescribed physical standards. Applications were submitted online through SIBA Testing Service, and no relaxation in eligibility criteria was allowed. The policy also granted an additional fifteen marks for interview-qualified candidates who were children of retired or long-serving Sindh Police personnel. For Hyderabad Range recruitment, the final merit list prepared by the DIGP Sukkur Range, serving as Chairman of the Recruitment Committee, was reviewed and approved by the Sindh Police Recruitment Board. The Board instructed publication of the merit list, mandatory medical and laboratory screening, verification of character and documents, and issuance of appointment orders, all strictly based on merit, after completing all formalities. A total of 3151 candidates were recommended across districts, including Hyderabad, Matiari, Jamshoro, Tando Muhammad Khan, Tando Allahyar, Badin, Sujawal, Thatta, and Dadu; with 2642 under General Merit, 426 under Women Quota and 83 under Minority Quota. Authorities were requested to issue offer and appointment letters accordingly, subject to the IGP's approval.

4. Learned counsel for the petitioners jointly contended that the recruitment process for the post of Police Constable was required to be conducted on a district-wise basis, and the petitioners accordingly submitted their applications within their respective districts. They asserted that they successfully cleared the physical test, written examination and interview, securing high scores, yet they were arbitrarily excluded from selection. It was further argued that the entire recruitment exercise was tainted with malice, favouritism and nepotism. Counsel submitted that the petitioners' names initially appeared in the list of successful candidates; however, the results were later modified, and a revised list was issued in which candidates with comparatively lower marks were shown as selected. It was alleged that merit was deliberately distorted to accommodate "blue-eyed" individuals. The petitioners' counsel emphasized that the recruitment criteria adopted by the respondent Police Department were discriminatory,

arbitrary and constitutionally impermissible. They argued that the interview component, comprising 50 marks, including 20 marks for an essay and 30 marks for oral assessment, was never disclosed in the original advertisement. This non-disclosure deprived candidates, including the petitioners, of a fair opportunity to prepare, hence violated the principles of equality, transparency and procedural fairness. It was further submitted that the petitioners' pre-interview scores were withheld without justification, creating opacity and giving rise to legitimate apprehensions of manipulation. Counsel further argued that the respondents unlawfully introduced an additional 15 marks for candidates who were sons and daughters of serving or retired police personnel with 25 years of qualifying service, even though such candidates do not fall within the Sindh Police (Shaheed, Deceased, Invalidated or Incapacitated Quota)/ Recruitment Rules, 2022. This preferential treatment, they maintained is extraneous to the statutory recruitment framework and directly contravenes Article 27 of the Constitution, which prohibits discrimination in appointments to provincial service on the basis of descent, lineage or other irrelevant considerations, except where a lawfully recognized quota exists. They contended that preferential treatment is permissible only when legally sanctioned, justified by public interest and narrowly applied, none of which applies in the present case. It was argued that the grant of these additional marks constitutes an unlawful lineage-based advantage, diluting merit and excluding better-qualified candidates. The respondents' policy, counsel submitted, elevates kinship and departmental affiliation above open competition, creates a privileged class of applicants based solely on parentage, fosters institutional favouritism, erodes public trust and violates the constitutional guarantee of equal access to public employment through a transparent and competitive process. Accordingly, the petitioners' counsel asserted that the criteria adopted by the Police Department, particularly award of an additional 15 marks to children of police officials outside the statutory quota are unconstitutional, discriminatory, without lawful authority and liable to be struck down under Article 27 of the Constitution. On these premises, the petitioners prayed that the recruitment process be declared void, that an independent high-powered committee be constituted to inquire into the irregularities, that those responsible be held accountable, and that the recruitment exercise be conducted afresh in accordance with law and merit.

5. In response, learned A.A.G denied the allegations, asserting that to ensure transparency, the written test was entrusted to Sukkur IBA, a reputable institution, which conducted the test and provided the list of qualified candidates. Interview committees, constituted at DIG level conducted interviews of the qualified candidates and recommended those who met the merit criteria for the respective district/region based on available vacancies. Since the petitioners did not meet the merit threshold, they were not recommended for the post. He further submitted that the petitions are not maintainable being devoid of merit, and also due to absence of recommended candidates, who are necessary and proper parties to the proceedings. He prayed for dismissal of these petitions.

6. After hearing learned counsel for the parties and examining the available record, it emerges that the petitioners have reasonably demonstrated that the interview component comprising 50 marks, consisting of 20 marks allocated for an essay and 30 marks for oral assessment, was not disclosed in the original recruitment advertisement. This omission, *prima facie*, deprived candidates including the petitioners, of a fair and equal opportunity to prepare, thereby offending the principles of transparency, fairness and procedural propriety. Furthermore, the non-disclosure and withholding of pre-interview scores has created opacity in the selection process and gives rise to reasonable apprehensions of manipulation without proper threshold of marks.

7. It also remains undisputed that an additional 15 marks were awarded to candidates who were sons and daughters of serving or retired police officials having 25 years of qualifying service, despite the fact that this additional marks clearly constitutes preferential treatment based on lineage, contrary to the constitutional mandate contained in Article 27 of the Constitution, which prohibits discrimination in public employment on the basis of descent, social origin or similar irrelevant criteria, except where a legally recognized quota exists under the law. Such preferential treatment, not grounded in statute/law nor justified by public interest, dilutes merit, disadvantages better-performing candidates and undermines the constitutional guarantee of equality of opportunity.

8. While this Court is not inclined to declare the entire recruitment exercise void at this stage, it is satisfied that the evaluation of all candidates

who passed IBA Test, requires reassessment in order to restore transparency, merit and constitutional conformity. Accordingly, these petitions are disposed of with the following directions:

- i. The Inspector General of Police, Sindh, shall constitute a committee headed by him and comprising two DIGs of credible and reputable standing to re-evaluate the interview assessment of all candidates who qualified the Sukkur IBA written test.
- ii. The reassessment shall be undertaken without awarding any additional 15 marks on the basis of parentage, service lineage or any criteria not provided under the lawful recruitment rules.
- iii. The committee shall ensure that all candidates are assessed strictly in accordance with lawful recruitment standards, without discrimination, favouritism, or extraneous considerations.
- iv. Verification of domicile, PRC, age eligibility, health and criminal record shall be strictly ensured, and no relaxation or concession in this regard shall be permissible.
- v. Upon completion of reassessment, a revised district-wise merit list shall be issued and appointments, if any, shall be made strictly in accordance with merit.
- vi. The entire exercise shall be completed within three months from the date of this order and compliance shall be reported to the Registrar of this Court.

9. With these directions, the captioned petitions stand disposed of along with pending application(s).

JUDGE

JUDGE

Karar_Hussain/PS*