

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No.D-276 of 2023

[Sajjan Ali and 02 others v. Province of Sindh and 05 others]

Present:

**Justice Arbab Ali Hakro-J
Justice Riazat Ali Sahar-J**

Petitioners by : Mr.Mumtaz Alam Laghari, Advocate

Respondents by : Mr.Muhammad Ismail Bhutto, Additional Advocate General, Sindh

Date of hearing : **27.01.2026**

Date of decision : **27.01.2026**

ARBAB ALI HAKRO-J: The petitioners have invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking enforcement of their asserted rights in relation to the recruitment process for posts in BPS-01 to BPS-04 within the Works and Services Department, Government of Sindh.

2. The petitioners, office-bearers of the Sindh Provincial Building United Union Sindh, averred that pursuant to advertisements issued in March 2022 for recruitment against various posts in BPS-01 to BPS-04, eligible candidates, including the sons and nephews of the Petitioners, participated in the process and appeared before the Departmental Selection Committee. It is alleged that the Committee completed its proceedings, prepared a merit list, and recommended successful candidates for appointment; however, the competent authorities withheld appointment letters without assigning any lawful justification. The petitioners further assert that the respondents intend to disregard the Selection Committee's recommendations and instead make appointments on extraneous grounds, allegedly favouring politically connected individuals. They also challenge the constitution of the recruitment committees at the district level, contending that the process lacked

transparency and ought to have been conducted through an independent testing agency.

3. During the pendency of the petition, an application under Order I Rule 10 CPC was filed by the applicants/interveners, namely Sheraz Khan and Dil Faraz Khan, seeking their impleadment as petitioners on the ground that their own recruitment matters are similarly situated and that the pendency of the present petition is adversely affecting their cases. However, today, none appeared on behalf of the applicants/interveners to press the said application.

4. Learned Additional Advocate General Sindh has placed on record the minutes of the Provincial Cabinet meeting held on 01.12.2025, wherein the Cabinet resolved, inter alia, to lift the ban on appointments in BPS-01 to BPS-04, extend the validity of earlier Departmental Selection Committee proceedings until 30.06.2026, and permit issuance of offer letters in districts where complete and verified records are available. The Cabinet further directed the initiation of fresh recruitment processes in districts where vacancies remain or where the requisite documentation is incomplete.

5. Learned counsel for the petitioners submits that the recruitment process initiated pursuant to the advertisement of 22.03.2022 stands concluded and the Selection Committee has duly recommended successful candidates. It is argued that withholding appointment letters despite the completion of all codal formalities constitutes an arbitrary exercise of authority. Counsel maintains that the respondents are under a legal obligation to honour the recommendations of the Committee and issue appointment letters strictly on merit. He further contends that the apprehension of political interference is neither unfounded nor speculative, as the respondents have failed to disclose any lawful impediment preventing the issuance of appointment letters. It is urged that the petitioners, being aggrieved persons, are entitled to seek constitutional relief to prevent the frustration of a concluded recruitment process.

6. Conversely, the learned Additional Advocate General Sindh submits that the Provincial Cabinet has now taken a considered decision governing

all appointments in BPS-01 to BPS-04 across the province. He points out that the Cabinet has extended the validity of earlier Selection Committee proceedings and permitted the issuance of offer letters only in districts where the record is complete, verified, and compliant with the prescribed quotas. According to him, the competent authorities are presently verifying the relevant documentation, and no adverse inference may be drawn merely because appointment letters have not yet been issued.

7. We have heard learned counsel for the petitioners at considerable length and the learned Additional Advocate General Sindh, so also examined the material placed on record.

8. The petitioners' case proceeds on the premise that once the Departmental Selection Committee concluded its proceedings and recommended successful candidates, a corresponding right accrued in favour of those candidates to receive appointment letters. The law on this point is well-settled; a recommendation, even if duly signed by all members of the Selection Committee, does not by itself confer an indefeasible or vested right to appointment. The superior Courts have consistently held that participation in a recruitment process, or even placement on a merit list, does not elevate an aspirant to the status of a selected candidate unless the competent authority formally issues an appointment order in accordance with law.

9. The petitioners have not placed before us any material demonstrating that the competent appointing authority had accepted the recommendations or had taken any final decision to appoint the candidates concerned. The record, on the contrary, reflects that the process remained at the stage of recommendations, and the authorities were in the midst of verifying the vacancy position and other codal requirements. In such circumstances, the petitioners' assertion that a concluded right had crystallised is not borne out by the record.

10. The petitioners have alleged that the respondents intend to disregard the recommendations of the Selection Committee and issue appointments on political considerations. Allegations of mala fides, particularly those imputing

motives to public functionaries, must be pleaded with specificity and substantiated through cogent material. Mere apprehension, conjecture or unverified information cannot be the basis for judicial interference in administrative processes.

11. The petitioners have not produced any document, communication or conduct attributable to the respondents that may reasonably support an inference of mala fides. The allegation, therefore, remains unsubstantiated.

12. The minutes of the Provincial Cabinet meeting held on 01.12.2025, placed on record, wherein the Cabinet, in exercise of its executive authority, has taken a province-wide policy decision governing appointments in BPS-01 to BPS-04. The salient features of the decision include: lifting of the ban on appointments in BPS-01 to BPS-04; extension of the validity of earlier Departmental Selection Committee proceedings until 30.06.2026; permission to issue offer letters only in districts where complete, verified, and quota-compliant records exist; initiation of fresh recruitment processes in districts where vacancies remain or where documentation is incomplete. This decision, being an executive policy determination, binds all administrative departments. The Cabinet's directive, therefore, governs the field and must be given full effect. The respondents are under a legal obligation to comply with the said decision strictly.

13. In constitutional jurisdiction, this Court does not ordinarily substitute its own satisfaction for that of the competent authority in matters involving administrative discretion, particularly where the process is incomplete or subject to verification. The petitioners seek a mandamus compelling the respondents to issue appointment letters. Such a direction can only be issued where the right is clear, the duty is ministerial, and no further inquiry or verification is required.

14. In the present case, the Cabinet decision itself conditions the issuance of offer letters upon the availability of complete and verified records. Until the competent authority completes this exercise, no mandamus can be issued compelling appointments.

15. The petitioners' alternative prayer for directing fresh recruitment through an independent testing agency also cannot be granted, as the Cabinet has already prescribed the mechanism for districts where records are incomplete. Judicial interference in executive policy is warranted only where the policy is unconstitutional, discriminatory, or manifestly unreasonable, none of which has been demonstrated.

16. An application under Order I Rule 10 CPC has been filed by the applicants/interveners seeking their impleadment as Petitioners, stating therein that their own recruitment matters are similarly situated and that the pendency of the present petition is adversely affecting their cases. Order I Rule 10 CPC empowers the Court to add a party whose presence is necessary for the effective and complete adjudication of the matter. A necessary party is one without whom no effective order can be passed. A proper party is one whose presence may assist the Court but is not indispensable. The applicants have not demonstrated that any relief sought in the present petition cannot be adjudicated without their presence. Their grievance, if any, is independent and may be pursued through appropriate proceedings. Moreover, despite repeated calls, none appeared on behalf of the applicants to press the application. The application, therefore, reflects neither diligence nor necessity. Accordingly, the application under Order I Rule 10 CPC is **dismissed**.

17. For the reasons recorded above, we find no basis to grant the relief sought by the petitioners. The respondents are, however, expected to proceed strictly in accordance with the Cabinet decision dated 01.12.2025 and to ensure that the recruitment process is conducted transparently and fairly, in conformity with the applicable rules and quotas. The petition stands **disposed of** in the above terms.

JUDGE

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