

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA**

Constitution Petition No.D-846 of 2025

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Date	Order with signature of Judge
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**Before;**

*Mr. Justice Adnan Iqbal Chaudhry;  
Mr. Justice Abdul Hamid Bhurgri.*

Petitioner : Qurban Ali son of Rasool Bux Chahwan,  
through Mr. Ashfaq Hussain Abro,  
Advocate.

Respondents : P.O Sindh and others, through Mr.  
Liaquat Ali Shar, A.A.G.

***Date of Hearing*** : ***26.02.2026.***  
***Date of Order*** : ***26.02.2026.***

**ORDER**

***Abdul Hamid Bhurgri, J.***- The petitioner's case, as set out in the instant constitutional petition, is that in the year 2021, pursuant to an advertisement, he applied for the post of Police Constable (BPS-05) in the Special Police Force, Sindh Police. According to the petitioner, he was declared successful in the physical and written tests by securing 76 marks, and his name was placed at serial No.37 in the merit list. It is further stated that he appeared in the interview on 02.11.2022 and has since been awaiting the announcement of the final result. The petitioner has, therefore, approached this Court seeking directions to the respondents to issue an appointment letter in his favour.

2. Comments have been filed on behalf of respondents No.2 and 5, wherein it has been categorically stated that the petitioner was declared unsuccessful in the interview conducted by the competent recruitment committee, as he had secured only 16 marks against the minimum qualifying marks of 25, out of a total of 50 marks allocated for the interview. It is contended that since the petitioner failed to obtain the minimum qualifying marks in the interview, he did not qualify for appointment.

3. We have heard learned counsel for the petitioner and the learned Additional Advocate General, Sindh, and have perused the

material available on record. It is an admitted position that the petitioner was declared unsuccessful in the interview process, as he had obtained only 16 marks against the minimum qualifying marks of 25. Passing the interview was an essential and mandatory stage of the selection process. Therefore, merely securing marks in the written examination did not confer any vested or enforceable right upon the petitioner to claim appointment.

4. It is a settled principle of law that qualifying in a written examination alone does not create any indefeasible right to appointment unless the candidate successfully passes all stages of the selection process, including the interview, which is conducted to assess the overall suitability, personality, aptitude, temperament, and fitness of the candidate for service, particularly in disciplined forces. In the case of ***Muhammad Ashraf Sangri v. Federation of Pakistan and others (2014 SCMR 157)***, the Honourable Supreme Court held that interview/viva voce is an essential component of the selection process and that Courts cannot substitute their own opinion for that of the competent interview board regarding the suitability of a candidate, especially in the absence of mala fides or illegality.

Similar view has been reiterated by the Honourable Supreme Court in ***Asif Hassan and others v. Sabir Hussain and others (2019 SCMR 1970)***, wherein it was held that the Court cannot assume the role of the appointing authority to determine the suitability of a candidate, as such determination falls exclusively within the domain of the competent recruitment body.

5. As regards the contention of the petitioner that the respondents intended to accommodate their favored candidates, no tangible, credible, or contemporaneous material has been placed on record to substantiate such allegation. It is well settled that mala fides must be specifically pleaded and proved through cogent and convincing

evidence. Bald and generalized allegations, unsupported by reliable material, are insufficient to invalidate a recruitment process conducted by the competent authority in accordance with law.

6. It is equally well settled that constitutional jurisdiction under Article 199 of the Constitution cannot be invoked to compel the appointing authority to appoint a candidate who has admittedly failed to qualify in one of the mandatory stages of the selection process. The assessment of suitability of a candidate in an interview is a subjective matter and falls within the exclusive domain of the competent recruitment authority, and the Court does not sit as an appellate forum to reassess such evaluation.

7. The scope of interference in constitutional jurisdiction in matters relating to recruitment and selection is extremely limited. Unless the recruitment process is shown to suffer from mala fides, patent illegality, or violation of statutory provisions, no interference is warranted. No such illegality or irregularity has been demonstrated in the present case. This Court, in exercise of constitutional jurisdiction, cannot assume the role of the appointing authority or substitute its own assessment for that of the competent selection committee, particularly in matters relating to evaluation of suitability through interview, which lies exclusively within the domain of the recruiting agency.

8. In view of the above facts and circumstances, this Court finds no illegality, procedural impropriety, or jurisdictional defect in the recruitment process warranting interference in exercise of constitutional jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973. Consequently, the instant constitutional petition is dismissed, along with listed applications, if any.

*JUDGE*

*JUDGE*