

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Constitution Petition No.D-523 of 2023

Date	Order with signature of Judge
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Before;

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

Petitioners : 1. Sajid son of Mukhtiar Ali Tunio,
2. Asif Ali son of Mukhtiar Ali Tunio,
3. Imran Khan Shar s/o Kehar Khan,
4. Amir Ali son of Mangho Khan,
through Mr. Safdar Ali Ghouri,
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.- Through the instant constitutional petition, the petitioners have sought to challenge the recruitment process initiated pursuant to an advertisement issued in the year 2021 for appointment to the post of Police Constable (BPS-05) in the Special Police Force, Sindh Police.

2. Petitioners' case is that they successfully qualified the physical and written examinations and thereafter appeared in the interview conducted by the competent recruitment authority. Their principal grievance is that the final merit list was allegedly not prepared in accordance with the prescribed recruitment policy, particularly with reference to the award of 15 additional marks earmarked for candidates who are sons or daughters of serving or retired employees possessing 25 years of qualifying service. The petitioners No.1 and 2 contend that, they being sons of a serving Assistant Sub-Inspector, they were entitled to the benefit of such additional marks and consequent consideration for appointment.

3. The official respondent No.4, in his comments, has categorically controverted the claim of the petitioners and has asserted that the petitioners were declared unsuccessful in the interview conducted by the competent recruitment authority. It has further been explained that the additional marks under the policy were admissible only to those candidates who had successfully qualified the interview and fulfilled the prescribed criteria. Since the petitioners No.1 and 2 failed to qualify the interview, they were not eligible for the award of 15 additional marks or for inclusion in the merit list of successful candidates.

4. We have heard learned counsel for the petitioners and the learned Additional Advocate General, Sindh, and have carefully examined the record. It is an admitted position that the petitioners did not qualify the interview, which constituted an essential and mandatory component of the selection process. The interview is intended to evaluate the overall suitability, aptitude, temperament, and fitness of candidates for public service, particularly in disciplined forces such as the police. In the absence of successful completion of this indispensable stage, the petitioners cannot assert any enforceable legal right to appointment. Likewise, the claim of additional marks is intrinsically dependent upon successful qualification in the interview, which admittedly was not achieved by the petitioners.

5. It is a well-settled and firmly entrenched principle of service jurisprudence that participation in a recruitment process or qualification in one or more stages thereof does not confer any vested or indefeasible right to appointment. The Honourable Supreme Court of Pakistan, in **Muhammad Ashraf Sangri v.**

Federation of Pakistan and others (2014 SCMR 157), has authoritatively held that assessment of suitability of a candidate through interview falls within the exclusive competence of the recruiting authority and that the constitutional Court cannot substitute its own opinion for that of the competent forum, unless the process is shown to be tainted by mala fides, arbitrariness, or illegality.

6. The same principle has been reiterated in ***Asif Hassan and others v. Sabir Hussain and others (2019 SCMR 1970)***, wherein it has been held that determination of suitability of a candidate lies exclusively within the administrative domain of the appointing authority, and judicial interference is warranted only where the impugned process suffers from patent illegality, jurisdictional defect, or mala fide exercise of power.

7. The allegations of favoritism and arbitrary exclusion raised by the petitioners are devoid of evidentiary substantiation. It is a cardinal rule of constitutional adjudication that mala fides must be pleaded with precision and proved through cogent, credible, and unimpeachable material. Bald assertions or speculative allegations, unsupported by evidence, cannot furnish a lawful basis for invalidating a recruitment process conducted in accordance with law.

8. It is equally well settled that the constitutional jurisdiction of this Court under Article 199 of the Constitution is supervisory in character and does not extend to reappraisal of merit or reassessment of suitability determined by the competent authority. The constitutional Court cannot assume the role of the recruiting authority nor undertake comparative evaluation of

candidates, as such functions fall exclusively within the administrative sphere of the executive.

9. In the present case, the petitioners have failed to demonstrate that the impugned recruitment process suffers from any jurisdictional infirmity, procedural impropriety, violation of statutory provisions, or mala fide exercise of authority. The exclusion of the petitioners from the merit list is the direct and lawful consequence of their failure to qualify a mandatory stage of the selection process.

10. For the foregoing reasons, we are of the considered view that no case has been made out for interference in exercise of constitutional jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973. The petitioners have failed to establish any violation of law or infringement of a vested legal right warranting constitutional intervention.

11. Consequently, this constitutional petition, being devoid of merit, is hereby dismissed, along with listed applications, if any.

JUDGE

JUDGE