

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

C.P No.D-285 of 2025

[Karim Bux v. Province of Sindh and 05 others]

Present:

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

Petitioner by : Mr.Muhammad Suleman, Advocate

Respondents by : Mr.Muhammad Sharif Solangi, Assistant Advocate General, Sindh

Date of hearing : **21.01.2026**

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ARBAB ALI HAKRO-J: The petitioner has approached this Court under Article 199 of the Constitution, asserting that his exclusion from the final selection list for the post of Police Constable in Shaheed Benazirabad Range is arbitrary, discriminatory and violative of his fundamental rights.

2. The facts, briefly stated, are that the petitioner participated in the recruitment process initiated through an advertisement dated 23rd April, 2024. He successfully cleared the written test by securing 72 marks, which, according to him, placed him above several candidates who were ultimately selected. His grievance is that, despite his superior written score, he was neither included on the final merit list nor placed on the waiting list. He alleges that candidates with significantly lower written scores were awarded disproportionately high interview marks, whereas his own interview result was withheld and never disclosed.

2. Respondent No.3 has now placed on record the petitioner's interview breakup, showing that he obtained one mark in English Essay, five marks in Urdu/Sindhi Essay and fourteen marks in the interview, aggregating to

wenty out of fifty, with an overall total of ninety-two out of one hundred and fifty and the remark “**Fail in Interview**”.

3. Respondent No.2 in his para-wise comments has stated that the entire recruitment process was conducted strictly under the Sindh Police Recruitment Policy and that the Sindh Police Recruitment Board approved the final merit lists.

4. Learned counsel for the petitioner argued that the recruitment process was tainted with opacity and discriminatory treatment. He submitted that the petitioner’s written score was far superior to many selected candidates, yet he was excluded without justification. According to him, the interview marks were manipulated to favour certain individuals and the petitioner was denied transparency as his interview result was never communicated. He contended that such conduct violates Articles 4, 9, and 25 of the Constitution and that this Court must intervene to rectify the injustice. He further argued that the petitioner’s exclusion is inherently *mala fide*, as candidates with inferior merit were elevated through inflated interview marks.

5. Conversely, learned Additional Advocate General Sindh submitted that the petition is misconceived and devoid of merit. He argued that the petitioner admittedly failed in the interview, which is an essential and independent component of the recruitment process. He submitted that no *mala fides* or illegality has been shown and that the recruitment process was conducted by a duly constituted committee and approved by the SPRB.

6. We have heard learned counsel for the parties at length and have carefully examined the petition, annexures, and para-wise comments.

7. The central question is whether the petitioner’s non-selection, despite securing higher written marks, constitutes a violation of his fundamental rights and whether this Court may interfere with the interview assessment conducted by the Recruitment Committee. The Supreme Court, in the case of Waheed Gul Khan, has provided a clear and binding

exposition of this issue. It has been held that passing the written test or merely qualifying for the interview does not create any vested right to appointment. The interview is a subjective evaluative process designed to assess qualities that written tests cannot measure, such as communication skills, composure and decision-making ability. Courts cannot substitute their own opinion for that of the Interview Board, nor can they embark upon a microscopic dissection of interview marks unless mala fides, bias or manifest illegality is apparent on the record.

8. Applying this principle, the petitioner's case does not meet the threshold required for judicial interference. The para-wise comments of Respondent No.3 provide a complete breakup of the petitioner's interview marks, which, though lower than he may have expected, do not demonstrate mala fides or manipulation. The petitioner has not produced any material to show that the interview panel acted with bias, hostility or extraneous considerations. The mere fact that other candidates with lower written scores obtained higher interview marks does not, in law, constitute discrimination unless supported by evidence of improper motive or procedural impropriety.

9. The recruitment process was conducted by a duly constituted committee under the Sindh Police Recruitment Policy, and the SPRB approved the final merit lists. The petitioner's aggregate score of 92 placed him below the qualifying threshold, and his failure in the interview falls squarely within the domain of the expert body entrusted with such evaluation. This Court cannot, under Article 199, convert itself into an appellate authority over interview assessments, nor can it intrude into the subjective domain of suitability evaluation.

10. In the absence of any demonstrable mala fides, perversity or violation of mandatory rules, the petitioner's claim cannot succeed. The

allegations of discrimination remain unsubstantiated and insufficient to invoke constitutional jurisdiction.

11. For these reasons, the instant petition is devoid of merit and is accordingly **dismissed** along with pending application.

JUDGE

JUDGE

AHSAN K. ABRO