

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-5954 of 2018

*Shan Masih*

*versus*

*Government of Sindh & another)*

Date	Order with signature of Judge
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Mr. Justice Adnan-ul-Karim Memon  
Mr. Justice Zulfiqar Ali Sangi

**Date of hearing and order: 12.5.2026**

M/s. Afshan Rani and Muhammad Arif advocate for the petitioner  
Syed Ali Ahmed Zaidi, Additional AG

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**ORDER**

**Adnan-ul-Karim Memon, J.** Petitioner prayed that this Court declare that he is entitled to appointment against the post of Sanitary Worker and that the refusal of the respondents to issue his appointment order is illegal, discriminatory, and violative of Articles 25 and 27 of the Constitution of the Islamic Republic of Pakistan, 1973.

2. The case of the petitioner is that he applied for the post of Sanitary Worker in the Police Department pursuant to a recruitment process initiated by the respondents for vacant posts. After fulfilling all required formalities, he was issued an offer letter dated 03.01.2018, subject to medical fitness, character verification, and clearance of criminal record. The petitioner successfully submitted his medical fitness and character certificates. He submitted that two criminal cases arising out of the same incident, bearing Crime Nos. 171/2014 and 173/2014, registered at Police Station Ibrahim Hyderi, were falsely lodged against the petitioner. However, he was acquitted in both cases by the learned 1st Additional Sessions Judge, Malir, who observed that no incriminating evidence or active role was proved against him and that the prosecution had failed to establish the charges beyond doubt. He submitted that despite his acquittal and fulfillment of all conditions, the respondents refused to issue his appointment letter. Subsequently, in a meeting of the Sindh Police Recruitment Board held on 24.05.2018, the petitioner's candidature was rejected without affording him an opportunity of hearing, which amounts to discrimination and violation of Articles 14, 25, and 27 of the Constitution of the Islamic Republic of Pakistan, 1973. The petitioner also approached Respondent No.1 through an application submitted on 23.03.2018, but no relief was granted. The petitioner submits that the respondents are now intending to appoint another person to the said post, thereby causing serious prejudice to his lawful rights. Hence, this petition has been filed seeking a declaration that the petitioner is entitled to appointment as a Sanitary Worker and

that the refusal of appointment by the respondents is unlawful, discriminatory, and unconstitutional.

3. Learned Additional AG without filling comments though sufficient time was granted to the respondents since 2018 when notice was issued to the respondents vide order dated 17.08.2018 and submitted that pursuant to approval of the competent authority, the Inspector General of Police, Sindh issued an offer order dated 03.01.2018 appointing the petitioner as Sanitary Worker (BPS-01) in CPO Sindh, Karachi, subject to completion of medical fitness certification and verification of character, antecedents, and criminal record through the concerned authorities. He pointed out that it was stipulated in the offer of appointment that the final appointment order would be issued upon clearance of the said conditions. Subsequently, vide minutes of meeting dated 06.06.2018, the Sindh Police Recruitment Board noted that although the petitioner had been selected for the post, verification reports reflected his involvement in FIR Nos. 171/2014 under Section 392/34 PPC and 172/2014 under Section 23(1)(A) of the Sindh Arms Act, PS Ibrahim Hyderi. However, he pointed out that it was also acknowledged by the recruitment board that the petitioner had been acquitted in both cases by the competent court of law as per the CRO report before initiation of the recruitment process in 2017. However, on the recommendation of the Sindh Police Recruitment Board, the competent authority ultimately rejected the petitioner's case for appointment. He prayed to dismiss the petition.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. The core controversy in the present petition is whether the petitioner, having been issued an offer of appointment as Sanitary Worker (BPS-01) subject to verification, and having been ultimately acquitted in the criminal cases referred to in his antecedents, can be denied appointment based on such past antecedents despite fulfillment of all stipulated conditions.

6. From the pleadings, it is evident that the petitioner participated in a lawful recruitment process and was issued an offer letter dated 03.01.2018, clearly subject to medical fitness and verification of character and antecedents. The petitioner asserts that he complied with all requirements, including submission of medical fitness and character certificates. His grievance arises from the subsequent decision of the Sindh Police Recruitment Board dated 06.06.2018, whereby his candidature was declined on the grounds of his involvement in FIR Nos. 171/2014 and 173/2014, although it is an admitted position that he was acquitted in both cases by a competent court of law. The petitioner has relied upon his acquittal judgments, wherein the trial court found that no incriminating evidence was brought against him and the prosecution failed to prove its case

beyond a reasonable doubt. His principal contention is that once a person has been honourably acquitted, such criminal allegations cannot lawfully be used to stigmatize or permanently disqualify him from public employment, particularly in the absence of any adverse material establishing misconduct. He has further contended that the rejection of his candidature without providing an opportunity of hearing offends Articles 14, 25, and 27 of the Constitution, as it amounts to arbitrary treatment, denial of equality, and discriminatory application of public employment standards.

7. On the other hand, the learned Additional Advocate General has submitted that the offer of appointment was conditional in nature and no vested right accrued to the petitioner. It is further argued that verification of antecedents is an essential requirement in police service, and upon scrutiny, the recruitment board exercised its discretion to decline appointment, thereby rendering the process lawful and within administrative competence.

8. The record reflects that while the petitioner's selection was subject to conditions, the sole ground for rejection was his alleged involvement in criminal cases in which he already stood acquitted before or during the recruitment process. Once an acquittal is recorded by a competent criminal court, the legal presumption of innocence stands restored, and such an acquittal cannot ordinarily be treated as a disqualification unless there exists any independent finding of misconduct, suppression of facts, or adverse service record, none of which has been brought on record by the respondents.

9. Moreover, although the offer of appointment was conditional, the discretion of the respondents under such conditions must be exercised reasonably, fairly, and in a non-arbitrary manner. The Constitution, under Articles 18, 25, and 27, guarantees equality of citizens in matters of public employment and prohibits arbitrary exclusion. Any administrative decision affecting civil rights must also conform to the principles of due process under Article 10A, including fair consideration and, where adverse consequences ensue, a meaningful opportunity of hearing.

10. In the present case, the rejection appears to be founded solely on criminal antecedents which have culminated in acquittal before initiation of the recruitment process, and no independent inquiry or adverse finding has been shown to justify a departure from the principle of presumption of innocence. The respondents have also not demonstrated any rational classification or reasonable basis to treat the petitioner differently from similarly placed candidates, thereby raising a serious question of discrimination under Article 25 and unequal treatment in public employment under Article 27.

11. In view of the above, it is held that while the offer of appointment was conditional, the subsequent rejection of the petitioner's candidature, based solely on acquitted criminal cases without any independent adverse material or reasoned justification, cannot be sustained in law. The impugned decision to the extent that the petitioner suffers from arbitrariness, lack of fair consideration, and violates the constitutional guarantees of equality, non-discrimination, and fair treatment in public employment.

12. Accordingly, the petition is allowed. The competent authority of respondents is directed to issue the appointment order in his favour forthwith strictly in accordance with law, treating his acquittal as a neutral factor unless any other lawful impediment exists. All pending application(s) stand disposed of in the avode terms. However, with no order as to costs.

JUDGE

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