

# HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

**C.P. No.D-259 of 2023**

*[Zohaib Hassan vs. Province of Sindh and others]*

**Before:**

**JUSTICE ADNAN-UL-KARIM MEMON**

**JUSTICE MUHAMMAD JAFFER RAZA**

|                  |                                                 |
|------------------|-------------------------------------------------|
| Petitioner:      | By Mr. Zeeshan Ali Memon, Advocate              |
| Respondents:     | By Mr. Rafique Ahmed Dahri Additional A.G Sindh |
| Date of hearing  | 21.10.2026                                      |
| Date of Decision | 21.10.2026                                      |

## **O R D E R**

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**ADNAN-UL-KARIM MEMON J:-** The petitioner seeks a direction to the respondents to issue his appointment order under Section 4.1.18 of the Revised Sindh Police Recruitment Policy, 2022, contending that he was acquitted in the criminal case and no criminal proceedings were pending against him. He also relies upon similar judgments passed in C.P. Nos. D-2399/2018, D-326/2018 and D-1332/2022.

2. Learned counsel for the petitioner contends that the petitioner applied for the post of Police Constable (BPS-05) in Hyderabad Region, qualified the recruitment test conducted by Pakistan Testing Service (PTS), and secured 27th position in the merit list of District Badin against 181 available posts. Accordingly, he was issued an offer letter dated 20.07.2022 and submitted the requisite documents. However, during verification, his involvement in FIR No.164/2016, registered at Police Station Badin under Sections 302, 324, 147, 148, 149, 337-A(i), 337-F(i) and 504 PPC, was noted, although he had already been acquitted by the learned 1st Additional Sessions Judge/MCTC, Badin, vide judgment dated 20.07.2019. He asserts that no criminal case is pending against him and that he possesses the requisite police clearance, CRMS/CRI clearance, physical fitness certificate, and verified domicile, PRC, and educational documents. Relying upon Section 4.1.18 of the Revised Sindh Police Recruitment Policy, 2022, and judgments passed in similar constitutional petitions, he alleges discriminatory treatment and seeks directions for issuance of his appointment order. In support of his contentions, learned counsel relied upon the following cases and prayed to allow the petition. Chairman Agricultural Development Bank of Pakistan and another v. Mumtaz Khan (PLD 2010 Supreme Court 695); Director General, Intelligence Bureau, Islamabad (2012 SCMR 65); Muhammad Imran v. Province of Sindh and

others (CP No. D- 4707 of 2016); Bilawal Kalwar v. Province of Sindh and others (CP No. D- 1316 of 2022); Ghulam Abbas v. Province of Sindh & others (CP No. D- 966 of 2023) and (Danish Kareem v. Province of Sindh & others (CP No. D- 320 of 2016); Pervaiz Ali v. Province of Sindh & others ( CP No. D- 3311 of 2022).

3. Learned AAG submits that although the petitioner qualified the recruitment test, verification of his criminal record revealed his involvement and challan in the aforementioned murder case. His case was accordingly referred to the IGP Sindh, Karachi, through DIGP Hyderabad Range for instructions regarding his appointment. The Sindh Recruitment Board, after examining the acquittal judgment and the petitioner's criminal record, rejected his candidature for appointment as Police Constable vide letter No.15384-86/EB-III/T-7/S&S dated 04.10.2022. The AAG maintains that the decision was taken by the competent authority and prays for dismissal of the petition.

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

5. Paragraph 4.1.18 of the Policy disqualifies only candidates convicted by a court of law. It does not extend to acquitted candidates. The Supreme Court, vide order dated 22.10.2024 in Civil Petitions No.81-K and 82-K of 2024, has categorically held that this provision cannot be construed to disqualify a candidate acquitted upon conclusion of trial. The said interpretation is binding on this Court.

6. Section 15 of the Sindh Civil Servants Act, 1973, requires suitability for appointment. The Committee Report confirmed that the petitioners had no subsequent criminal involvement after his acquittal in 2019. His continued denial of appointment order despite acquittal in the criminal case before such recruitment process is arbitrary, contrary to the Policy and binding precedent, and violative of Articles 4, 9 and 25 of the Constitution.

7. For the foregoing reasons, the captioned petition is allowed. The respondents / competent authority are directed to issue appointment orders in favour of the petitioner forthwith, subject to fulfilment of all codal formalities, within one calendar month.

A copy of this order shall be transmitted to the Inspector General of Police, Sindh, for compliance and record.

JUDGE

JUDGE