

THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

BEFORE:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Const. Petition No. D-1014 of 2025

[Zain Ul Abdin & others Vs. Province of Sindh & others]

along with

Const. Petition No. D-1043 of 2025

[Zahid Ali Vs. Province of Sindh & others]

Petitioners : Through Mr. Riaz Hussain Khoso,
Advocate (C.P No.D-1014 of 2025)
Mr. Muhammad Afzal Jagirani,
Advocate (C.P No.D-1043 of 2025)

Respondents : Through Mr. Saeed Akbar Siyal,
Assistant Advocate General, Sindh

Date of Hearing : **21-10-2026**

Date of Order : **21-10-2026**

ORDER

ARBAB ALI HAKRO, J- These two petitions arise from the same recruitment and call into question the same letter. On the statement of the learned Additional Advocate General that they are identical, this Court directed that they be heard together on 12.02.2026 and is deciding them by this common order.

2. The petitioners, eleven in number, applied for the post of Police Constable (BPS-07) in District Kashmore @ Kandhkot under General Recruitment SPD-01/2024 (hereinafter referred to as '**the recruitment**'). They qualified the physical and written tests conducted by the SIBA Testing Service and the interview, and their names were placed in the final merit list of the Larkana Range, which the Sindh Police Recruitment Board (hereinafter referred to as '**the Board**') approved at its meeting on 13.03.2025, subject to medical examination and verification of character, antecedents and

documents.¹ On that basis, the Senior Superintendent of Police, Kashmore @ Kandhkot, issued offers of appointment to each of them on 27.03.2025.²

3. Verification revealed that each petitioner had at one time or another been nominated in an FIR and that in every case the proceedings had ended in his favour. The SSP forwarded the particulars along with copies of the judgments, and the DIGP, Larkana Range, placed them before the Central Police Office for scrutiny of the petitioners’ suitability.³ The Board took up the matter in its meeting of 11.09.2025 and recommended that the selection of the candidates concerned be withdrawn “due to involvement in cases/ FIRs”. Acting on that recommendation, the DIGP/Establishment, by letter dated 24.09.2025 (hereinafter referred to as ‘**the impugned letter**’), withdrew the selection of fourteen candidates of District Kashmore and rejected their cases “due to involvement in cases FIRs/criminal record”.⁴ Ten of them are the petitioners in C.P. No. D-1014 of 2025; the eleventh, Zahid Ali, is the petitioner in C.P. No. D-1043 of 2025. The cases of the petitioners, as they appear from the official correspondence and the certified copies of the judgments on the file, are these:

No.	Petitioner (Merit No.)	Crime No. / Police Station / Offences	Disposal
1	Zain-ul-Abdin (228)	56/2021, PS Karampur; ss.353, 337-A(i), 506/2, 148, 149 PPC	Acquitted u/s 245(1) Cr.P.C. on 29.10.2024
2	Shahbaz Ahmed (159)	(i) 160/2023, PS Kashmore; ss.337-A(i), 337-F(i), 452, 147, 148, 149 PPC (ii) 95/2023, PS Kashmore; ss.341, 504, 147, 149 PPC	(i) Disposed of in ‘C’ class on 17.08.2023 (ii) Acquitted u/s 249-A Cr.P.C. on 26.04.2025
3	Sajjad Ahmed (14)	04/2023, PS Kashmore; ss.337- A(ii), 447, 506/2 PPC	Acquitted u/s 245(1) Cr.P.C. on 13.05.2023
4	Noor Hassan (20)	71/2021, PS Tangwani; ss.506/2, 337-F(i), 147, 148 PPC	Acquitted u/s 245(1) Cr.P.C. on 18.09.2021

¹ Letter No.2522-26/ESTT/T&R/G.R-I/2025 dated 14.03.2025, endorsed by the DIGP, Larkana Range vide No.E-I/REC/1067-72 dated 19.03.2025.
² Offer letters dated 27.03.2025 (Annexures ‘D’ series in C.P. No. D-1014 of 2025; Annexure ‘A’ in C.P. No. D-1043 of 2025).
³ SSP Kashmore @ Kandhkot letter No.SSC/10163 dated 09.05.2025; DIGP, Larkana Range letter No.E-I/17992-93 dated 29.05.2025.
⁴ Letter No.7379-81/ESTT/T&R/G.R-I/2025 dated 24.09.2025, endorsed to the SSP Kashmore @ Kandhkot vide No.E-I/33203-04 dated 03.10.2025.

No.	Petitioner (Merit No.)	Crime No. / Police Station / Offences	Disposal
5	Asghar Ali (310)	20/2024, PS Ghulam Sarwar Sarki; ss.337-A(i), 337-F(i), 337-F(v), 506/2, 147, 148, 149 PPC	Acquitted u/s 345(6) Cr.P.C. on compromise, 18.09.2024
6	Qabil (367)	70/2021, PS Guddu; ss.452, 337- A(i), 337-F(i), 337-F(v), 337-L(ii), 114, 403, 504, 147, 148 PPC	Acquitted u/s 245(1) Cr.P.C. after trial, 10.03.2022
7	Riaz Ahmed (283)	Same as S.No.6	Same as S.No.6
8	Rafique Ahmed (387)	65/2018, PS Sobhoderi; ss.380, 457 PPC	Acquitted u/s 245(1) Cr.P.C. on 30.07.2018
9	Ali Gul (105)	65/2019, PS Kashmore; ss.447, 448, 506, 147, 149 PPC	Acquitted u/s 345(6) Cr.P.C. on 10.12.2024 (as reported by the DIGP)
10	Manthar (30)	16/2019, PS Kashmore; ss.337- A(i), 337-A(ii), 337-F(i), 114, 506/2, 504, 147, 148, 149 PPC	Proceedings stopped u/s 249 Cr.P.C. on 06.11.2019; acquitted u/s 345(6) Cr.P.C. on 28.06.2025
11	Zahid Ali (323) C.P. No. D- 1043	117/2020, PS A-Section Kandhkot; ss.337-F(v), 337-A(i), 337-F(i), 337-L(ii), 506/2, 147, 148, 149 PPC	Acquitted u/s 245(1) Cr.P.C. on 01.06.2020

4. Para-wise comments were filed on behalf of respondents 2 and 3 in both petitions, and statements were filed by the SSP, the DIGP, Hyderabad Range (Chairman of the Recruitment Committee), and the SHOs concerned. Shorn of the narration of correspondence, the stand taken is that under Para 4.1.18 of the Sindh Police Recruitment Policy, 2022 (hereinafter referred to as '**the Policy**'), the acquittal order of a candidate is to be scrutinised by the Board to assess his suitability; that the Supreme Court in **National Bank of Pakistan**⁵ upheld an employer's refusal to induct a person with a criminal background; and that the petitioners were rejected "as the candidates involved in criminal cases/FIRs or having shady record cannot be recruited in Sindh Police being a sensitive department." On 04.05.2026, the learned Additional Advocate General also placed on record the order of the Supreme Court in **Karam Ali**⁶, by which notice was issued in a batch of petitions filed by

⁵ President, National Bank of Pakistan v. Waqas Ahmed Khan 2023 SCMR 766.

⁶ Province of Sindh v. Karam Ali (Civil Petitions No.517-K to 529-K of 2025, order dated 24.04.2025, Supreme Court of Pakistan).

the Province and the operation of a judgment of this Court at Hyderabad was suspended.

5. Learned counsel for the petitioners contended that the petitioners qualified at every stage of the recruitment on merit and were issued offers of appointment; that the cases against them had ended in acquittal, in most instances long before the recruitment, and no appeal was preferred against any acquittal; that the impugned letter rejects them solely on 'involvement', without examining the judgments or hearing them, and that similarly placed candidates have been granted relief by this Court, relying on the order dated 20.03.2025 in C.P. No. D-751 of 2024.

6. Learned Additional Advocate General supported the impugned letter on the grounds set out in the comments and submitted that, as the police are a disciplined force, the department is entitled to insist on an unblemished record.

7. The questions that arise are: (i) whether the petitions are maintainable; (ii) whether the selection of the petitioners could be withdrawn on the ground of their involvement in criminal cases that ended in their favour; and (iii) if not, what relief can be granted.

8. The petitioners have not entered service, so the bar under Article 212 of the Constitution does not apply, and the Policy provides no departmental remedy against a decision of the Board. Both petitions were filed within days of the impugned letter. The petitions are maintainable.

9. Para 4.1.18 of the Policy, as substituted on 05.08.2022, addresses candidates involved in criminal cases.⁷ Where an investigation or trial is pending, selection is to be cancelled on expiry of six months from the publication of the final merit list unless the candidate is cleared by then. The second limb reads:

"The candidate, if cleared subsequently within 06 months, his acquittal order/case shall be scrutinized by the Sindh Police Recruitment Board for checking his suitability for appointment in Sindh Police."

⁷ CPO letter No.11467-73/EB-III/T-7/S&S/2022 dated 05.08.2022, substituting sub-para (2) of para 4.1.18 of the Policy.

The Policy, therefore, does not treat involvement in a criminal case as a disqualification once the candidate is cleared. It requires scrutiny of the acquittal order and a decision on suitability. As it stands, this limb covers a candidate whose case was pending when the final merit list was prepared and was decided within six months thereafter, as in the cases of Shahbaz Ahmed and Manthar. For the remaining nine petitioners, whose cases had ended before the final merit list and, in some instances, even before the recruitment was advertised, the Policy creates no bar at all; whatever power the Board has over them flows from the verification of character and antecedents contemplated by the Police Rules, 1934, and condition IV of the offer letters, and that power can be no wider than the scrutiny the Policy itself prescribes. Either way, the Board had to examine each acquittal and decide each candidate's suitability on its own facts.

10. That is not what was done. The impugned letter, after reproducing the particulars reported by the district, disposes of all fourteen candidates in a single sentence, and the recommendation of the Board is in the same terms. Neither records a reason particular to any candidate. Cases that ended in materially different ways have been treated alike: an acquittal after trial in which the prosecution led its evidence (Qabil and Riaz Ahmed); acquittals where the complainant and the injured did not identify the accused; compounding under section 345(6) Cr.P.C. (Asghar Ali, Ali Gul and Manthar); and a disposal in 'C' class together with an acquittal under section 249-A Cr.P.C. (Shahbaz Ahmed). Nor has the yardstick been applied evenly: Abdul Qadeer, whose only case was disposed of in 'C' class, was reported along with the others by the DIGP on 29.05.2025, yet does not figure among the candidates rejected. No respondent alleges that any petitioner concealed his case from the department, and none was heard before the offer already issued to him was withdrawn. The impugned letter thus applies 'involvement' as a disqualification that the Policy does not prescribe; it is not a decision on suitability, and it gives none of the reasons that section 24-A of the General Clauses Act, 1897 requires for an order of this nature.

11. The question is no longer open. In **Muhammad Akmal**⁸, the Federal Constitutional Court examined a police policy that excluded candidates involved in criminal cases, whether on trial or acquitted. It held that registration of an FIR is no more than an allegation; that once a competent court has acquitted the candidate, the appointing authority cannot proceed as if the allegations were established, since that would substitute executive suspicion for judicial determination; that an acquittal does not, of itself, confer a right to appointment, the authority remaining free to assess suitability, and that such assessment must be individual and reasoned. The Court observed as follows:

"An order refusing appointment which merely reproduces the existence of a past FIR, without evaluating the legal effect of the subsequent acquittal or the surrounding circumstances, reflects no real exercise of discretion but only a mechanical application of policy."

The Court also indicated the matters ordinarily to be weighed: whether the candidate disclosed the case; the manner in which the proceedings ended; whether the acquittal removes the allegations or whether the circumstances of the disposal bear upon suitability; whether the allegations have a rational nexus with the duties of the post; and whether the decision rests on an individual assessment supported by reasons. This decision binds this Court under Article 189 of the Constitution, and the impugned letter cannot survive it.

12. **National Bank of Pakistan** (n.5 above) does not advance the respondents' case. There, the candidate offered the post of cashier had faced a charge of murdering his wife and was acquitted under section 265-K Cr.P.C. without any evidence being recorded; the bank learnt of the case only afterwards and, having regard to the nature of the charge, the manner of acquittal and the sensitivity of the post, declined to let him join. The Supreme Court upheld that decision because the employer had, in fact, weighed the case against the post. The judgment supports an assessment of the kind described in **Muhammad Akmal**; it does not permit an acquittal to be disregarded without examination. As for **Karam Ali** (n.6 above), the order only issues notice and suspends a particular judgment pending

⁸ *Inspector General of Police, Punjab v. Muhammad Akmal* (C.P.L.A. No.51-L of 2018 and C.P.L.A. No.2007-L of 2019, decided on 16.03.2026, Federal Constitutional Court of Pakistan).

decision; it enunciates no principle of law and cannot displace the later decision of the Federal Constitutional Court.

13. It does not follow that the petitioners are entitled to a direction for their appointment. Suitability for a disciplined force is for the appointing authority to judge, and the record discloses features which a reasonable authority may legitimately weigh, either way: the manner in which each case ended, whether by acquittal after trial, for want of identification, on compromise, or under section 249-A Cr.P.C.; the nature of the allegation, as in the case of Zain-ul-Abdin, which included assault on a public servant on duty; the age of the candidate at the relevant time, with Zahid Ali having been under fifteen years of age on the date of the occurrence and the time that has since passed. These are matters for the Board to assess with reasons. In its constitutional jurisdiction, this Court corrects the decision-making process; it does not substitute its own view of suitability for that of the authority.

14. For the foregoing reasons, both petitions are **partly allowed** in the following terms: -

- (a) the recommendation of the Board dated 11.09.2025, and the impugned letter dated 24.09.2025 are declared to be without lawful authority and to have no legal effect to the extent of the petitioners;
- (b) the Board shall reconsider the case of each petitioner afresh and individually, after notice and an opportunity of hearing, on the basis of the certified copy of the judgment or order in his case, in light of para 4.1.18 of the Policy and the principles laid down in **Muhammad Akmal** (n.8 above), and shall pass a separate speaking order in respect of each petitioner within sixty (60) days of receipt of this order. Mere registration of an FIR, or 'involvement' in a case, shall not, by itself, constitute a ground for refusal;
- (c) a petitioner found suitable shall be issued an appointment order forthwith against the posts of the recruitment and his seniority shall be determined in accordance with the applicable rules and
- (d) a petitioner aggrieved by a fresh adverse order shall be at liberty to seek his remedy in accordance with law.

There shall be no order as to costs. Pending miscellaneous application(s), if any, stand disposed of. A copy of this order shall be sent to the Inspector General of Police, Sindh, and the Chairman of the Board for compliance, and a signed copy shall be placed in the connected petition.

JUDGE

JUDGE

Zulfiqar