# HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

**C.P. No.D-3547 of 2016**

*[Muhammad Saleh vs. Province of Sindh and others]*

**Before:**

**JUSTICE ADNAN-UL-KARIM MEMON**
**JUSTICE MUHAMMAD JAFFER RAZA**

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| Petitioner: | Through Mr. Aroon Kumar advocate |
| Respondents: | Through Mr. Allah Bachayo Soomro Additional A.G Sindh |
| Date of hearing | 10.11.2026 |
| Date of Decision | 10.11.2026 |

## O R D E R

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**ADNAN-UL-KARIM MEMON J**:- The petitioner has filed the instant Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking directions to the official respondents to appoint him as Police Constable in District Jamshoro, pursuant to his having successfully qualified the recruitment test and completed the requisite formalities.

2. Learned counsel for the petitioner submits that the petitioner, being a resident of District Jamshoro and an Intermediate-qualified candidate, applied for the post of Police Constable and was issued Token No.1407. He successfully passed the physical test conducted through National Testing Service (NTS), securing 60 marks, and was placed at Serial No.322 in the list of successful candidates. However, during medical examination, his Serum HCV Antibody test was found reactive. Subsequently, his HCV PCR tests conducted at Aga Khan University Hospital, Karachi, on 21.11.2016 and at LUMHS Diagnostic and Research Laboratory on 04.11.2016, both yielded negative results, indicating that the virus was not detected. Despite producing the negative PCR reports and asserting that he was medically fit, the respondents declined to issue his appointment letter solely on the basis of the initial reactive antibody test, thereby unlawfully depriving him of appointment.

3. In comments, respondent No.04/SSP Jamshoro submits that although the petitioner successfully passed the NTS test, he was declared medically unfit during the medical examination. It is contended that, under the prescribed recruitment criteria/SOPs issued by the competent authorities, candidates suffering from Hepatitis B and C are ineligible for recruitment in the Police Department.

Accordingly, the petitioner was excluded from the recruitment process by the Recruitment Committee in accordance with the prescribed criteria.

4. Respondent No.03/DIGP Hyderabad Range, while adopting the comments furnished by SSP Jamshoro, submits that the petitioner was declared unfit on account of Hepatitis and, therefore, was ineligible for appointment under the applicable recruitment criteria.

5. We have heard learned counsel for the parties and perused the available record.

6. It is an admitted position that the petitioner successfully qualified the recruitment test and was declared successful in the physical examination. His candidature was, however, rejected solely on the basis of a reactive Serum HCV Antibody screening report. Conversely, the petitioner has produced two subsequent HCV PCR reports, issued by Aga Khan University Hospital, Karachi, and LUMHS Diagnostic and Research Laboratory, wherein Hepatitis-C virus was not detected. Thus, the controversy requires consideration in the light of the medical reports as well as the applicable recruitment policy.

7. In this regard, reliance may appropriately be placed upon the judgment passed by this Court in C.P. No.D-1000 of 2024, wherein, in somewhat similar circumstances, this Court directed fresh medical screening of the candidate through the designated committee, notwithstanding the restriction contained in Clause 4.1.12 of the Sindh Police Recruitment Policy, particularly in view of the respondents' own admission regarding the practice of permitting re-screening in similar cases. The Court, however, did not declare the candidate entitled to appointment without completion of the prescribed medical assessment.

8. In view of the above legal position and the peculiar circumstances of the present case, we are of the considered view that the petitioner's claim for direct appointment cannot be accepted at this stage. Nevertheless, his candidature could not be finally rejected without consideration of the subsequent negative PCR reports and the applicable procedure for re-screening, particularly where the respondents themselves have acknowledged that the initial screening result was the sole basis for his exclusion.

9. Accordingly, this petition is disposed of with directions to respondent No.02/Inspector General of Police, Sindh, to place the petitioner's case before the designated medical committee for fresh medical screening through the prescribed ELISA/ICT method, in accordance with the procedure recognized in the judgment passed in C.P. No.D-1000 of 2024. The exercise shall be undertaken within thirty (30) days, and the petitioner's eligibility shall thereafter be determined strictly in accordance with the applicable recruitment policy and the outcome of such

examination. In the event the petitioner is found medically fit and otherwise fulfills the prescribed recruitment criteria, his case shall be considered for appointment in accordance with law, subject to availability of vacancy and other lawful requirements.

10. Pending applications, if any, stand disposed of accordingly.

JUDGE

JUDGE

Sajjad Ali Jessar