HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1386 of 2025

*[Ashfaque Ahmed **VS** Province of Sindh & others]*

Before:

Justice Adnan-Ul-Karim Memon.
Justice Muhammad Jaffer Raza.

Petitioner:	By Mr. Toseef Ahmed Chandio, Advocate.
Official Respondents:	By Mr. Rafique Ahmed Dahri, Additional Advocate General, Sindh.
Date of hearing & Decision:	04.11.2026

O R D E R

ADNAN-UL-KARIM MEMON, J:- The petitioner, Ashfaque Ahmed, has filed this Constitutional Petition under Article 199 of the Constitution, seeking appointment as Police Constable under Rule 11-A of the Sindh Civil Servants Act, 1973.

2. Learned counsel submits that the petitioner was selected and issued an offer letter; however, his appointment was withheld due to pending criminal case under Section 302 PPC, in which he was acquitted vide judgment dated 16.12.2020. He relies upon the judgment of Federal Constitutional Court dated 27.02.2026 in the case Province of Sindh v. Muhammad Rizwan Khan and others.

3. Conversely, learned A.A.G. contends that, being a disciplined force, the petitioner is unsuitable for appointment due to his criminal antecedents, notwithstanding his acquittal.

4. We have heard learned counsel and examined the record. The petitioner stands acquitted of the criminal charge, even though by extending benefit of doubt. It is settled law that an accused acquitted by extending benefit of doubt is entitled to be treated as innocent, and such acquittal cannot constitute an established criminal antecedent.

5. Admittedly, no conviction exists against the petitioner in terms of Section 15 of the Sindh Civil Servants Act and only the candidature can be called in question if any candidate is found convicted by the competent court of law, he loses his right to retain the public post.

6. It is well settled law that once the civil servant is acquitted in the criminal case, then on this very charge he cannot be awarded any punishment by the department because acquittal for all purposes is Honourable Acquittal in terms of decision of the Supreme Court in the case of District Police Officer, Mianwali v. Amir Abdul Majeed (2021 SCMR 420); therefore, his candidature cannot be rejected solely on the basis of criminal case in which he was acquitted.

7. Consequently, the petition is disposed of with directions to the competent authority to reconsider the petitioner's candidature in light of the principles laid down in Dr.

Muhammad Islam v. Government of N.W.F.P. and others (1998 SCMR 1993) and other case laws on the subject issue, after assessing his merit, eligibility and fitness to hold the police post which is a disciplinary force, and issue the appointment letter within one month of receipt of this order.

8. The petition stands disposed of along with pending applications, if any.

JUDGE

JUDGE

Karar_Hussain/PS*