

IN THE HIGH COURT OF SINDH AT KARACHI

CP No. D-1443 of 2025

(Dr. Syeda Mahanam Ali v. Province of Sindh & 7 Others)

CP No. D-1444 of 2025

(Dr. Naseem Nabeel v. Province of Sindh & 5 Others)

CP No. D-1445 of 2025

(Dr. Sajida Haque v. Province of Sindh & 5 Others)

CP No. D-1525 of 2025

(Dr. Quratul Ain v. Province of Sindh & 5 Others)

CP No. D-1583 of 2025

(Dr. Sana Muqeem Sahito v. Province of Sindh & 5 Others)

CP No. D-1704 of 2025

(Dr. Maria Saba Shah v. Province of Sindh & 5 Others)

CP No. D-1705 of 2025

(Dr. Asfia Tariq v. Province of Sindh & 5 Others)

DATE:

ORDER WITH SIGNATURE(s) OF JUDGE(s)

Before:

Mr. Justice Muhammad Faisal Kamal Alam

Justice Ms. Sana Akram Minhas

7-10-2025

Mr. Saulat Rizvi, Advocate for Petitioner in CPs No.D-1443, D-1444, D-1445 and D-1583 of 2025

Mr. Ghulam Shabbir, Advocate for Petitioner in CPs No.D-1525, D-1704 and D-1705 of 2025

Mr. Abdul Jaleel Zubedi, Additional Advocate General Sindh

Mr. Tariq Hussain, Advocate for the Respondent No.5

M/s. Omer Memon, Mian Jawad Tasneem, Jam Aadil Khan Dharejo and Muhammad Rizwan, Advocates for Respondent No.6 (PMDC)

Abdul Shahid Khan, Deputy Director, Sindh Public Service Commission

ORDER


Muhammad Faisal Kamal Alam, J: In all Constitution Petitions, except Constitution Petitions bearing No.D-1525 and D-1705 of 2025, the Petitioners have preferred the Representation, but unsuccessfully; therefore, they invoked Regulation 161 of Sindh Public Service Commission (Recruitment Management) Regulations, 2023. It is not disputed that these Appeals under the aforesaid provision are still subjudice with the concerned Authority.

2. The relevant facts in all these Petitions are that Petitioners in pursuance of an Advertisement dated 09.11.2022 applied for the post of Specialist Cadre Doctors BPS-18. They successfully cleared the written test,

but were not selected and the reasons mentioned in the individual Rejection Letters is reproduced as under_

“11. The required qualification is MD/MS/FCPS or equivalent qualification recognized by PMDC. OR Postgraduate Diploma in the relevant Subject recognized by PMDC, Whereas you are obtained Degree in MCPS.”

3. Learned Counsel for Petitioners states that this reason mentioned in the Rejection Letter is erroneous because all the Petitioners possessed MCPS, that is, they are Member of College of Physicians and Surgeons Pakistan and thus, they have fulfilled the second part of the eligibility criteria as mentioned in the above Advertisement, relevant portion whereof is reproduced as under_

		<u>SINDH PUBLIC SERVICE COMMISSION,</u> THANDI SARAK, HYDERABAD						
S.NO.	NAME OF POST WITH BASIC SCALE	QUALIFICATION AS PER RECRUITMENT RULES	NO. OF POSTS	QUOTA				AGE LIMIT
15.	Specialist Cadre Doctors BPS-18	i. MBBS and registration with Pakistan Medical & Dental Council. AND ii. Postgraduate degree i.e MD/ MS/FCPS or equivalent qualification recognized by PM&DC in the relevant subject with Two (2) years practical experience in the specialty before or after acquiring postgraduate qualification OR postgraduate diploma in the relevant subject recognized by PM&DC with Three (03) years practical experience in the specialty before or after postgraduate qualification.	1096	CHEST-SPECIALIST				25-40
				1. Open Merit	R	U	T	
					30	21	51	
				2. Minority	02	01	03	
				3. Differently Abled Person	02	01	03	
				4. Female Quota	06	04	10	
				Total	40	27	67	
				GYNECOLOGIST				25-40
				1. Open Merit	R	U	T	
					43	28	71	
				2. Minority	02	02	04	
				3.Differently Abled Person	02	02	04	
				Total	47	32	79	
				PEDIATRICIAN / CHILD SPECIALIST				
				1. Open Merit	R	U	T	
					23	17	48	
				2. Minority	02	01	03	
				3. Differently Abled Person	02	01	03	
				4. Female Quota	05	03	08	
				Total	32	22	54	

4. The Petitions are opposed by learned Additional Advocate General Sindh by stating that since the eligibility criteria was not fulfilled by the Petitioners, therefore, they cannot seek appointment in respect of the said Cadre. However, while reading his Parawise Comments, he has also read the Decision of Single Member of Respondent–Sindh Public Service Commission (“**SPSC**”) that the Health Department, that is, the Employer, has made an omission by not including the qualification MCPS in the subject Advertisement.

5. Whereas, Mr. Omer Memon, Advocate, representing Pakistan Medical and Dental Council (“**PMDC**”), states that the latter has issued Equivalency Certificate to the Petitioner (Dr. Syeda Mahanam Ali) in CP No.D–1443 of 2025. In this regard, the relevant Paragraph ‘F’ of Parawise Comments is reproduced as under_

“F. It is, however, pertinent to mention that the Answering Respondent issued an equivalency certificate vide PM&DC Letter No.I/.F. 12-G-23/PG/(72317-S)/2646, dated 19th March 2025, in respect of Dr. Syeda Mahanam Ali D/o Syed Zulfiqar Ali, bearing Registration No. 72317-S. The details of the qualification are as follows:

“This is to certify that following qualification has been registered by PM&DC in respect of Dr. Syeda Mhanum Ali D/O Syed Zulfiqar Ali vide Registration No.72317-S”

Qualification	Institution Name	Year	Level
MCPS Dermatology	CPSP	2022	II-b

6. The gist of the argument of Mr. Tariq Hussain, learned Counsel for Respondent No.5–Higher Education Commission of Pakistan (“**HEC**”) is that a Candidate possessing MCPS (Dermatology) meets the second condition of the eligibility criteria of the subject Advertisement, that is, Post-graduate Diploma, while drawing our attention to the Decision of HEC that a person possessing the same qualification can also enter the Ph.D Program.

7. After considering the above, we have also come across Correspondence of 16.05.2025, addressed by Respondent–PMDC to Official Respondents, which is appended with the Parawise Comments of Health Department, stating that MCPS qualification is a Two years duration Diploma and falls within the ambit of Level II-b.

8. From the above, we are of the considered view that although the qualification of MCPS has not been mentioned in the subject Advertisement, but such anomaly would be addressed in future, in view of the above

discussion, so that qualified candidates can be spared from the rigour of litigation.

9. Consequently, those Candidates, who have filed their Appeals, which are subjudice, the Appellate Authority can decide the same expeditiously, within prescribed period, but not later than Thirty (30) days from today, while considering the discussion mentioned in this Order, in particular, the observation of Member of Respondent No.3–SPSC.

10. Those Candidates, who have not filed any Appeal and directly approached this Court in CPs No.D–1525 and D–1705 of 2025, their Petitions are not maintainable because we are of the view that curative Fora provided under the above Regulation is adequate and efficacious remedy, which ought to have been exhausted before coming to this Court. However, on the request of Counsel for Petitioners that a chance be given and in above two Constitution Petitions bearing No.D–1525 and D–1705 of 2025, Petitioners may avail remedy, in accordance with law and above Regulation; the request is accepted. The Representation can be considered by the Official Respondents, on its own merits in the line of above Regulations.

With the above directions/observations, all these Petitions are disposed of along with pending application(s).

JUDGE

JUDGE

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