

## THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Const. Petition No.D-572 of 2023  
(*Ameer Gul Weesar and another v. P.O. Sindh & others*)

### PRESENT:

MR. JUSTICE ZULFIQAR ALI SANGI  
MR. JUSTICE RIAZAT ALI SAHAR

Petitioners : i. **Ameer Gul Weesar & ii. Khamees Ali** through Mr. Farooq Ali Halepoto, Advocate.

Respondents: Through Mr. Ali Raza Baloch, Additional Advocate General-Sindh.

Date of Hearing : 16.10.2025

Date of Decision : 16.10.2025

### ORDER

**RIAZAT ALI SAHAR J: -** The case of the petitioners, as set forth in the pleadings, is that petitioner No.1 is a highly qualified and well-educated individual, while petitioner No.2 is also an equally competent person holding an M.Phil. degree in Pakistan Studies and having been awarded the Vice Chancellor's Silver Medal for securing first position in Master's from the University of Sindh, Jamshoro. It is further stated that petitioner No.2 has been serving as Visiting Faculty in the subject of Pakistan Studies at the Bachelor of Studies Research Section (BSRS), Mehran University of Engineering and Technology, Jamshoro, since 13.09.2022. The record reflects that respondent No.3/ Secretary, Sindh Public Service Commission (SPSC), issued consolidated advertisement No.11/2019 inviting applications for various posts of Lecturers (BPS-17) in the College Education Department, Education & Literacy Department, Government of Sindh, which was duly published in leading newspapers and on

the official website of the Commission on 24.11.2019. In response thereto, both petitioners submitted their online applications for the post of Lecturer in Pakistan Studies (BPS-17). The written test was conducted by the SPSC at Public School, Hyderabad, on 21.03.2021, after which answer keys were uploaded on the Commission's website. Upon self-verification with their carbon copies, petitioner No.1 found that he had secured 63 marks out of 100, whereas petitioner No.2 had obtained 50 marks out of 100. Subsequently, the official result of the written test was announced on 10.12.2022, displaying only the roll numbers of successful candidates without disclosing their names or marks. The petitioners were declared successful and were called for interviews scheduled on 31.01.2023. It is alleged that during the interview process, one Syed Sikandar Ali Shah, Assistant Professor, Department of International Relations, conducted the interviews instead of a subject specialist in Pakistan Studies. According to the petitioners, this deviation rendered the process arbitrary, doubtful, and mala fide, as the advertised posts pertained solely to the subject of Pakistan Studies. It is further alleged that while 25 candidates were rejected for possessing Master's degrees in disciplines other than Pakistan Studies, the interview was nonetheless conducted by an Assistant Professor from the Department of International Relations, which, in their view, compromised the transparency and fairness of the process. The petitioners assert that the final interview results were announced declaring them unsuccessful, whereas certain favored candidates, allegedly backed by political and bureaucratic influence, were selected despite inferior merit. It is also claimed that neither the written test nor interview marks were published, and only the names, roll numbers, and qualifications of the candidates were displayed. Upon learning that candidates with lower scores had been included in the final merit list, the

petitioners approached respondents Nos.2 to 4 and requested inspection of the relevant record, but their request was not entertained. Feeling aggrieved by such arbitrary, non-transparent, and discriminatory conduct, the petitioners have invoked the constitutional jurisdiction of this Court, seeking following reliefs:

- (a) To declare that the interviews conducted by the SPSC for the above mentioned posts are illegal, null and void and against the recruitment policy, in order to uphold merit and redress the grievance, the interview should be re-conducted as per guidelines of this Honourable Court.
- (b) To direct the respondent No. 2 to 4 to publish the results of written tests as well as interviews with names along with marks of all candidate, in order to determine which criteria is used for final shortlist, as many candidates which are going to be shortlisted having low marks, besides having highest score of the petitioner is not selected.
- (c) To direct the respondents No.2 to 4 to bring the CCTV along with its audio recording submit before this Honourable Court for verification, whether SPSC did justice and followed the merits as per guideline of the orders of this Honourable Court.
- (d) To restrain the respondent No.1 to 4 by issuing any order to selected candidates till the final decision of instant petition in hand.
- (e) To grant any other relief, which this Honourable Court deems fit and proper in circumstances of the case.
- (f) To award the costs of the petition.

2. Learned counsel for the petitioners contends that the recruitment process conducted by the Sindh Public Service Commission (SPSC) stands vitiated on account of non-inclusion of a subject specialist in Pakistan Studies in the Interview Committee. He submits that the interview was conducted by one Syed Sikandar Ali Shah, Assistant Professor, Department of International Relations, who is wholly unconnected with the discipline of Pakistan Studies. According to him, such deviation from the prescribed procedure manifests mala fide intent and has

resulted in denial of fair and transparent consideration to the petitioners, who were otherwise fully qualified and meritorious candidates. Learned counsel further submits that the petitioners, having qualified the written test, were entitled to a fair evaluation by a competent subject specialist in Pakistan Studies. He argues that the interview conducted by a person belonging to a different discipline cannot be treated as a valid academic or professional assessment, and as such, the entire interview process stands tainted. Learned counsel maintains that the petitioners were arbitrarily declared unsuccessful and that several candidates with lower marks were recommended for appointment. He therefore prays that the interview process for the post of Lecturer in Pakistan Studies (BPS-17) be declared void ab initio and that re-interview be conducted by the Sindh Public Service Commission under the supervision of a duly qualified subject specialist in Pakistan Studies, ensuring transparency and equal opportunity to all candidates, including the petitioners.

3. Conversely, learned AAG, relying upon the comments filed by the Sindh Public Service Commission, assisted the Court by submitting that the recruitment process was conducted strictly in accordance with law and the applicable procedure. It is stated that the SPSC had addressed a letter to IBA Sukkur, seeking nomination of faculty members as subject experts to assist the Commission during interviews for the posts of Lecturer (BPS-17) in various subjects. Since no expert in the subject of Pakistan Studies was available at IBA Sukkur, the institution nominated Syed Sikandar Ali Shah, Associate Professor, as a substitute expert for that subject. He contends that the petitioners, having voluntarily participated in the interview without raising any objection at the relevant stage, are now estopped from challenging the same merely because the result

did not favor them. Learned AAG submits that the petitioners were afforded full opportunity to present themselves before the Interview Committee; however, their performance was found to be unsatisfactory and hence they were not recommended for appointment. He maintains that the marks, recommendations, and final merit list were prepared strictly on merit and in accordance with the prescribed criteria, without any discrimination or mala fide. Therefore, the prayer for re-interview made by the petitioners is misconceived, devoid of substance, and contrary to settled principles of law.

4. We have heard the learned counsel for the parties and examined the material available on record. The principal contention of the petitioners is that the interview for the post of Lecturer in Pakistan Studies (BPS-17) was conducted without the presence of a subject specialist, and therefore, they seek a direction for holding a re-interview before a duly constituted Interview Committee. However, the record does not substantiate any illegality in the composition of the Committee. This Court vide judgment dated 13.03.2020 passed, in II-Appeal No.32 of 2017, has categorically held that where a subject specialist is not available with IBA, the institution may nominate a suitable substitute. The documents before us show that the Sindh Public Service Commission formally requested IBA Sukkur to nominate faculty members as experts for various subjects. Since no specialist in Pakistan Studies was available, IBA Sukkur nominated Syed Sikandar Ali Shah, Associate Professor, as a substitute expert, in compliance with the aforesaid judgment dated 13.03.2020. Such nomination, being made under judicial sanction, cannot be regarded as irregular, unlawful, or contrary to the prescribed procedure.

5. The record further indicates that the petitioners, having successfully cleared the written examination, voluntarily presented themselves before the duly constituted Interview Committee and participated in the selection process without lodging any protest or reservation concerning either the composition of the Committee or the credentials of the expert members. Their active participation throughout the process, devoid of objection or demur, clearly signifies acquiescence to the procedure and the authority of the Committee. It is a settled principle of law that a party who has willingly availed itself of an opportunity under a given procedure cannot subsequently challenge its validity merely because the outcome has proved unfavourable. Having entered the arena without protest, the petitioners are now estopped, both in law and in equity, from impugning the interview process on grounds that were neither raised nor pursued at the relevant time.

6. It further transpires from the comments filed by the SPSC that the performance of the petitioners during the interview was found to be unsatisfactory and did not meet the required merit threshold. Consequently, they were not recommended for appointment. The marks and recommendations were finalized on merit and in accordance with the prescribed rules and procedure. The petitioners have not placed on record any cogent material to substantiate allegations of mala fide, bias, or violation of any statutory provision. The prayer for re-interview, therefore, appears to be an afterthought based merely on dissatisfaction with the outcome of a process in which they willingly participated.

7. In light of the foregoing facts and circumstances brought on record, we are of the considered view that the recruitment process in question was carried out in consonance

with the law, the governing recruitment policy, and the directives earlier issued by this Court. Every stage of the process reflects adherence to the prescribed norms and procedural propriety. The substitution of an expert on the Interview Committee was effected under lawful authority and in accordance with the prevailing administrative practice, ensuring that the integrity of the process remained unimpaired. The petitioners have neither substantiated any allegation of mala fide intent nor established the existence of any procedural impropriety capable of vitiating the selection proceedings. Mere dissatisfaction with the outcome cannot, in law, furnish a ground to invalidate a process otherwise conducted fairly and transparently. Consequently, the prayer advanced by the petitioners for the constitution of a new Interview Committee or for the holding of a re-interview is devoid of merit, misconceived in law, and thus not maintainable before this Court.

8. Accordingly, the instant petition, being devoid of merit, is **dismissed**, along with all pending applications, if any.

**JUDGE**

**JUDGE**

Ahmad