

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

**C.P. No. D-4546 of 2025**

*[Roshan Ali V Province of Sindh and others]*

**C.P. No. D-4547 of 2025**

*[Muharam Ali V Province of Sindh and others]*

Date	Order with signature of Judge(s)
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Before:  
Mr. Justice Adnan-ul-Karim Memon  
Mr. Justice Zulfiqar Ali Sangi

**Date of hearing and Order: 05.03.2026**

Ms. Nousheen Khan Tajjammul and Mr. Tajjammul H. Lochi, Advocates for Petitioners.

Mr. Abdul Jaleel Zubedi, A.A.G.

Mr. Raza Mian, DSP Legal-II, CPO, Karachi.

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**ORDER**

**Adnan-ul-Karim Memon, J.** – Petitioners Roshan Ali and Muharam Ali have filed these Constitution Petitions under Article 199 of the Constitution of the Islamic Republic of Pakistan 1973, seeking following relief:-

**C.P. No. D-4546 of 2025**

- a) *That this Honorable Court may please direct the Respondents to issue appointment letter/ order to the Petitioner as they have given to their blue eyes candidates issued subject to out-come of CPLA No. 519-K to 529-K/2025, filed by the AIGP Legal II CPO Sindh Karachi.*
- b) *To grant any other relief which the court deems fit and proper, under the circumstances of the case.*

**C.P. No. D-4547 of 2025**

- a) *That this Honorable Court may please direct the Respondents to issue the appointment letter/ order to the Petitioner, as they have given to their blue-eyed candidates issued subject to out-come of CPLA No. 519-K to 529-K/2025, filed by the AIGP Legal II CPO Sindh Karachi.*
- b) *To grant any other relief which the court deems fit and proper, under the circumstances of the case.*

2. It is the case of the petitioners that they applied for the post of Police Constable (BPS-07) in Sindh Police following the advertisement dated 24.03.2024. They successfully cleared the written test and interview, and their names appeared in the final merit list. However, no appointment order was issued in their favour.

3. The petitioner's counsel contended that despite being fully qualified and recommended by the constituted committee as fit for recruitment, their appointments were withheld by Respondent Nos. 2 and 3, while candidates allegedly involved in criminal cases or nepotistically favored were appointed. She argued that the act of the respondents was discriminatory, mala fide, and violated Articles 25 and 27 of the Constitution, causing financial and moral hardship. The petitioners sought the issuance of their appointment letter on merit.

4. The respondents, through learned AAG, submitted that the petitioner's names were not approved for appointment as they were involved in a prior criminal case, despite acquittal, and the Sindh Police Recruitment Board, in accordance with the Recruitment Policy-2022, recommended rejection of candidates with such a background for sensitive positions. Learned AAG also relied on Supreme Court precedent (**2023 SCMR 766**), which held that acquittal in technical or compromise cases does not automatically guarantee eligibility for sensitive appointments. Consequently, the AAG contended that the petitioner's departmental appeals were rightly rejected and that no legal entitlement existed to compel their appointment. Thus, while the petitioner emphasized merit and prior clearance, the AAG relied on legal and policy grounds regarding suitability and security concerns, seeking dismissal of the petition.

5. We have heard the learned counsel for the parties and perused the record with their assistance.

6. The main issue in these petitions is whether a person acquitted of criminal charges vide judgments dated 18.11.2020 in criminal case No. 27 of 2020 and 11.12.2023 in criminal case No. 124 of 2023, can be disqualified from appointment solely based on a past FIR before the initiation of the recruitment process. Primarily, under Section 15 of the Sindh Civil Servants Act, only those convicted of offences involving moral turpitude are disqualified; mere registration or pendency of a case is not a ground for ineligibility. Once acquitted, the stigma of accusation ceases, and the person cannot be treated as guilty.

7. In this case, the petitioners were acquitted from the said charges, despite this, they were later declared disqualified based on the same criminal cases, which had already resulted in their acquittal. There was, therefore, no legal basis to deny their appointment.

8. The Supreme Court, in *DPO Mianwali v. Amir Abdul Majid* (**2021 SCMR 420**), held that an acquitted person cannot be penalized for past allegations. Similarly, in Civil Petitions No.81-K and 82-K of 2024, the Apex Court clarified that mere registration of a criminal case does not disqualify a candidate once acquitted, even if character verification is required for disciplined services like the

police. The Court rejected arguments based on Rule 4.1.18 of the Revised Sindh Police Recruitment Policy, 2022, which applies only to convicted candidates, not those acquitted.

9. Accordingly, these petitions along with pending application(s) are disposed of with directions to the Inspector General of Police, Sindh, to reconsider the petitioner's candidature for the subject post. However their candidature shall not be rejected based on the subject cases, the process shall be completed within two months, and compliance reported to this Court in line with the Supreme Court's decision dated 22.10.2024.

JUDGE

JUDGE

Ayaz Gul