

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Const. Petition No.D-1538 of 2023

Date	Order with signature of Judge
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1. For hearing of CMA No.6510/2023
2. For hearing of main case

27-03-2024

Mr. Shevak Ram Valecha, Advocate for the Petitioner
Mr. Darehani Ali Haider ‘Ada’, Deputy Attorney General
a/w DSP/CPO Muhammad Akram Dogar, PO/SI Sarfraz Khan

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ORDER

Muhammad Iqbal Kalhoro,J:- Petitioner applied for a post of Dispatch Rider in National Highway & Motorway Police in terms of the advertisement inviting applications against various posts in different cadres in the said department in the year 2022. He was subjected to tests and interview, which he went through successfully. His name was recommended by the Interview Committee and sent to the Head Office for issuing offer order accordingly. In the course of which, his documents were sent to different authorities for verification. In the said process, Deputy Commissioner Sukkur reported that domicile of the petitioner belonged to urban area as against rural area mentioned by the petitioner in his application submitted on-line. On the basis of such report he was denied appointment, hence this petition.

We have heard the parties and perused the material available on record. It is admitted that in the advertisement it is not specifically mentioned that the post of dispatch rider which petitioner had applied for was for the candidates belonging to the rural or urban area. There is no document either showing that appointment to this post was conditional to having a rural domicile. The respondent department is federal and invites applications from all over the country for appointment in its various cadres and posts. Therefore, the issue of rural or urban domicile does not seem to be attracted for the post being competed by the candidates from the entire country. The objection by learned DAG that in application petitioner’s mention of having domicile of rural area was found incorrect could be a result of misconception or a bonafide mistake on the part of petitioner. Because admittedly he is a resident of village Nihal Khan Khoso, which due to some administrative fait

has been included in Union Committee Rohooja falling in urban portion of the city.

Be that as it may, when there is no clear command of the law that the post the petitioner had applied for was for the candidate having domicile of rural areas and such fact was not mentioned in the advertisement inviting applications for such a post or in any document present before us, the petitioner cannot be denied right of appointment on the said post which he has otherwise earned by qualifying the requisite tests. Therefore, we find the excuse of respondent department refusing to issue offer order to him not sustainable in law.

Accordingly we allow this petition and direct the respondents to issue offer order to the petitioner in accordance with law within a period of one month.

JUDGE

JUDGE

Sulemen Khan/PA

