

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**

**CP No. D- 1015 of 2025**

[ Abdul Bari v. Province of Sindh & Others]

**CP No. D- 1387 of 2025**

[ Sabir Hussain v. Province of Sindh & Others]

**BEFORE: MR. JUSTICE MUHAMMAD SALEEM JESSAR**  
**MR. JUSTICE NISAR AHMED BHANBHRO**

CP No. D- 1015 of 2025

Petitioner Abdul Bari: Through, Mr. Gulfam Ali Narejo, Advocate

CP No. D- 1387 of 2025

Petitioner Sabir Hussain: In person

Respondent-5:

SPSC Through Mr. Safdar Hussain Leghari, Advocate

Province of Sindh Through M/s. Rafiq Ahmed Dahri, Asstt. A.G. &  
Muhammad Ismail Bhutto, Addl. A.G.

Date of hearing:

& Decision: 16.10.2025

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**ORDER**  
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**NISAR AHMED BHANBHRO, J** The Petitioners through these Petitions have challenged the recommendation of the Respondent No 5 for appointment to the post of Assistant Director (BS -17) Human Rights Department (Hyderabad) by the Sindh Public Service Commission (SPSC).

2. Since common question of fact and law is involved in both the Petitions; therefore, they are proposed to be decided through this common order.

3. Heard Petitioner Sabir Hussain in CPD No 1387 of 2025 in person. Learned Counsel for the Petitioner Abdul Bari in CPD 1015 of 2025. Both the petitioners urged that the recommendation of Respondent No 5 was bad under the law as he was overage on the cut-off date for submission of online application for the post.

4. Respondent No 5 filed counter affidavit along with documents. Learned Counsel for the Respondent No 5 argued that Respondent No 5 qualified for the post on merits. He argued that the issue of overage of the Respondent No 5 can be dealt with legally and resolved by relaxing his upper age. He argued that the Respondent No 5 cannot be deprived of the job as he was not at fault. He prayed for dismissal of the petition.

5. Learned Counsel for the SPSC and Learned Additional AG supported the stance of Petitioners and submitted that the application of the Respondent No 5 was wrongly accepted; that he was not eligible for recommendation; that appeal Committee has directed to withdraw the recommendation of Respondent No 5.

6. Heard arguments, perused material made available on record.

7. It is the case of the petitioners that the Petitioners and respondent No.5 applied for the post of Assistant Director, Directorate of Human Rights pursuant to an advertisement issued by SPSC. The written test was held on 29.01.2025 wherein both the petitioners and respondent No.5 Niaz Hussain were declared as successful candidates. The interviews were held on 19.05.2025 and the result was declared on 26.05.2025 wherein the respondent No.5 was declared as successful candidate and a recommendation dated 26.05.2025 was sent to the Government of Sindh for his appointment.

8. Petitioner Sabir Hussain in CP. No. D- 1387 of 2025 being aggrieved of the Recommendation filed a representation under regulation 161 of the

Recruitment and Management Regulations 2023 (RMR) of SPSC, he raised therein an objection as to the eligibility of respondent No.5 Niaz Hussain as he was over age on the cut-off date to submit application for the . According to the contention of the Petitioner, the Respondent No 5 was overage and not entitled to participate in the recruitment process. The Appeal was dismissed vide order dated 14.07.2025 by the Member Appeals Sindh Public Service Commission vide order dated 14.07.2025. Perusal of the order dated 14.7.2025 reveals that the Member Appeal Sindh Public Service Commission did not attend the pleas raised by Petitioner Sabir Hussain in his application. This court will not observe anything as to the competency of the Member. Needless to say that the Member Appeal was saddled with responsibility to decide the actual controversy involved in between the matter which he failed to and passed a stereotyped order.

9. This led petitioner Sabir Hussain to file an Appeal before the Appellate Committee of the SPSC. Two Member Appellate Committee constituted for the purpose heard the parties and held that Respondent No 5 was not eligible to be called for interview and his recommendation against said post may be cancelled / withdrawn immediately and candidates next to him shall be considered for the selection of the said post. In reply to para-4 of the Petition the SPSC has detailed the outcome of the Appeal in the following manner:

*"It is respectfully submitted that admittedly the present matter arises out of recruitment for the post of Assistant Director (BPS-17) in the Directorate of Human Rights, Hyderabad, advertised by the Sindh Public Service Commission (SPSC) under Consolidated Advertisement No. 02/2024 dated 07.06.2024. (Copy already enclosed at annexure "A"). The petitioner, Mr. Sabir Hussain S/o. Muhammad Ismail, applied for the said post and subsequently filed a representation against the selection of the recommended candidate, Mr. Niaz Hussain S/o. Muhammad Hussain Khoso, on the ground of ineligibility due to being overage on the closing date of submission of applications. Being aggrieved, the petitioner preferred an appeal under Regulation 161 of RMR 2023 and also approached this Honourable Court by filing C.P. No. D-1387/2025, wherein this Honourable Court was pleased to direct for halting the appointment process against the said post vide order dated 04.09.2025. (Copy enclosed as Annexure "B"). In compliance thereof,*

*both the petitioner and the recommended candidate were called for personal hearing before the two-Member Appellate Committee of SPSC on 12.09.2025 at Karachi, along with the concerned Deputy Director (Recruitment). During the course of hearing and examination of record, including CNIC and Matriculation Certificate, it was conclusively established that the recommended candidate, Mr. Niaz Hussain, was overage by one (01) year, three (03) months, and twenty-one (21) days as on the closing date of the advertisement. (Copy of speaking order passed by Two Member Committee is enclosed as Annexure "C"). It is germane to mention here that the recommended candidate himself admitted this factual position and failed to produce any lawful relaxation order from the competent authority. It is thus evident that the recommendation of the overage candidate was made due to an error in scrutiny at the recruitment stage. However, after having assessed the merit position of petitioner and other competing candidates, it revealed that he (petitioner) is next in merit in the competitive process against the said post. Since, the matter is pending before this Honourable Court thus this office may be allowed to issue Corrigendum and recommends the petitioner being next in merit accordingly. Furthermore, the Commission has also resolved to cancel / withdraw the recommendation of the ineligible candidate Mr. Niaz Hussain S/o Muhammad Hussain Khoso, subject to concurrence of this Honourable Court strictly in accordance with law and policy. Moreover, the Commission has initiated proceedings for departmental inquiry to fix responsibility upon the officers/officials concerned, so as to prevent recurrence of such lapses in future and appropriate action will be taken against the delinquents. (Copy of office order dated 18.09.2025 with regard to inquiry committee enclosed as Annexure "D").*

10. From perusal of the reply to para-4 of the Petition tendered by SPSC it can be concluded that the Commission felt remorse on its wrong recommendation of respondent No.5 Niaz Hussain for the post of Assistant Director, Directorate of Human Rights as on the cutoff date for submission of the applications said Niaz Hussain was overage by (01) year (03) months and (21) days. It further transpires that the Commission has decided to cancel / withdraw the recommendation of respondent No.5 Niaz Hussain Khoso.

11. Since the petitioners in both the Petitions had assailed the recommendation of respondent No.5 Niaz Hussain Khoso on the ground of

his in-eligibility to participate in the competitive process which per the comments filed by Sindh Public Service Commission would be withdrawn; as such the purpose of filing of these Petitions stood served and thus became infructuous; any further deliberations in the matter may prejudice the case of either side.

12. As far as the requested of the Petitioner Sabir Hussain in CPD 1387 of 2025 that he was next in waiting in the merit, therefore, SPSC be directed to send his recommendation for appointment, is concerned, it cannot be acceded and left at the option of SPSC to decide the same as no record has been placed before us to say that the Petitioner was next in waiting. In the result announced by SPSC dated 26.05.2025 name of one person Niaz Hussain appears as successful candidate and pursuant to the recommendation offer for appointment dated 13.08.2025 was issued in favor of Respondent No 5, Sindh Public Service Commission may proceed further in the matter in accordance with law and rules. Respondent No.5 Niaz Hussain is also at liberty to initiate appropriate proceedings against the Decision of Appellate Committee disqualifying him for appointment to the post of Assistant Director, if so advised

13. For the aforementioned reasons, these Petitions are dismissed, having achieved purpose.

Office to send copy of the order to the Respondents for compliance.

JUDGE

JUDGE

Karar\_Hussain/PS\*

Approved for reporting

Hyderabad

16.10.2025