

# HIGH COURT OF SINDH CIRCUIT COURT, MIRPURKHAS

## **C.P. No.D-554 of 2025**

[Shahnawaz vs. Province of Sindh & Ors]

## **C.P. No.D-260 of 2025**

[Pahar Singh & Ors. vs. Province of Sindh & Ors]

## **C.P. No.D-263 of 2025**

[Lal Chand & Ors. vs. Province of Sindh & Ors]

## **C.P. No.D-267 of 2025**

[Poonam & Ors. vs. Province of Sindh & Ors]

## **C.P. No.D-270 of 2025**

[Muhammad Aftab Ahmed. vs. Province of Sindh & Ors]

## **C.P. No.D-272 of 2025**

[Muhammad Waris & Ors. vs. Province of Sindh & Ors]

## **C.P. No.D-295 of 2025**

[Kashif vs. Province of Sindh & Ors]

Before:

**JUSTICE ADNAN-UL-KARIM MEMON**  
**JUSTICE RIAZAT ALI SAHAR**

M/s Jeeloji Rajput, Bhooro Bheel, Satram Das, Mir Muhammad Nohri, Muhammad Asif, Qalander Bux Leghari and Kelash, advocates for petitioners

Mr. Muhammad Sharif Solangi, Assistant A.G. Sindh

Date of hearing & decision: 12.11.2025

**ADNAN-UL-KARIM MEMON, J. -** The petitioners through these Constitutional Petitions have prayed that this Court be pleased to declare the final merit list dated 27.03.2025 as illegal, void, and without lawful authority; direct the respondents to prepare fresh merit list in accordance with the law and issue appointment orders in favour of the petitioners, if they are found qualified on merit.

2. The case of the petitioners is that the Respondents invited applications through an advertisement dated 23.04.2024 for the posts of Police Constable, Driver Constable, and Lady Constable in the districts Tharparkar, Umerkot and Mirpurkhas. They participated in the recruitment process, passed physical as well as written test secured the requisite marks and were called for interviews in which they replied all the questions put-forth. However, in the final list they were declared “Below Merit” despite

securing higher aggregate scores. The Petitioners contend that the final results were manipulated in the office of the City Chief Police Officer (CCPO) to accommodate favored candidates. They further contend that no candidate from the minority communities of District Tharparkar has been selected despite forming 50% of the population and obtaining higher marks. This shows discrimination and violation of merit principles; therefore, they are aggrieved by the final recruitment list dated 27.03.2025 got prepared by DIGP Sindh Police in Mirpurkhas Range and it is violation of their fundamental rights guaranteed under Articles 4, 9, and 25 of the Constitution of Pakistan.

3. Learned counsel for the petitioners contended that the petitioners successfully passed all the required tests and interviews; however, no candidate belonging to the minority community, as mandated by the Constitution of the Islamic Republic of Pakistan, has been selected from District Tharparkar; that despite obtaining higher marks both in physical and written test, the petitioners have been excluded, while candidates with lower marks have been declared successful in the impugned merit list. The petitioners, therefore, prayed that they be declared successful candidates. The petitioners in CP. No. D-263 of 2025 claimed that they are entitled to appointment under minority quota in terms of Article 36 of the Constitution. However, during the proceedings, it was pointed out that certain candidates who appeared under minority quota had already been considered. They lastly contended that in the appointment process there is no complete violation of Recruitment Policy as well as their fundamental rights guaranteed under Articles 4, 9, and 25 of the Constitution of Pakistan; therefore, they prayed for allowing the instant Petition. In support of their contentions, all petitioners have relied upon the cases reported as (1) Muhammad Ashraf Sangri v. Federation of Pakistan and others (2014 SCMR 157); (2) Arshad Ali Tabassum v. The Registrar, Lahore High Court, Lahore (2015 SCMR 112), (3) Waheed Gul Khan CP No. 154-K/2022 (4) Mumtaz Oad and 2 others v. Sindh Public Service Commission through Secretary and 2 others (2015 CLC 1605); (5) Order dated 31.8.2023 passed by this Court in CP No. D- 404 & others of 2013; (6) Order dated 6.10.2025 passed by this Court at Sukkur Bench in CP No. D-403 & others of 2025.

4. Learned Additional Advocate General (A.A.G.), without filing written comments submitted that, the petitioners were not declared successful in the final interview. Regarding minority quota, he stated that it has been duly maintained in accordance with the revised Sindh Police Recruitment Policy, 2022; therefore, no further interference by this Court is warranted; that as per policy, the final result is determined by the aggregate marks obtained in the written test and interview, along with any additional marks granted to the sons and daughters of Sindh Police employees. Moreover, the policy provides that the final result showing the marks obtained in each component and the total out of 150 marks for all candidates who appeared in the interview shall be uploaded on the official website of the designated testing service within one week after completion of the interviews. He emphasized that all codal formalities have been duly observed and no violation of the recruitment policy has occurred; therefore, these petitions are liable to be dismissed.

5. We have heard learned counsel for the parties and perused the record with their assistance and the case law cited at the bar.

6. Indeed, the disqualification cannot be converted by this Court into a qualification under Article 199 of the Constitution. This principle means that courts cannot interfere with the selection process to turn an ineligible (or unsuccessful) candidate into an eligible one. In other words, if a candidate fails to meet the prescribed qualifications or fails in the selection process (like an interview), this Court cannot step in to declare the candidate qualified or order appointment/selection merely on sympathetic or equitable grounds. Courts respect the domain of the Selection Committee and do not act as appellate authorities over decisions of expert bodies, except where there is illegality, procedural irregularity, *mala fides* (bad faith), or violation of statutory provisions, which the petitioners failed to point out with justification by placing the material on record to substantiate their arguments. The judiciary's role is limited to ensuring fairness and legality, not re-assessment or substitution of expert judgment.

8. In view of the foregoing circumstances, and after hearing the counsel for the parties, it appears that certain factual controversies have been raised with regard to preparation of final merit list, observance of the minority quota, and the alleged non-consideration of eligible candidates including the petitioners. These are matters which require factual verification and

scrutiny of the relevant record by the competent authority. Accordingly, the cases are remitted to the Inspector General of Police (IGP), Sindh, who shall constitute a committee headed by him and co-opted by two DIGPs. The said committee shall scrutinize the candidature of all concerned candidates, including the petitioners and address the issues raised in these petitions in light of the applicable recruitment policy and relevant rules. The committee shall complete this exercise and take a proper decision within sixty (60) days from the date of receipt of this order. In the event that the petitioners are found eligible in all respects, a speaking order shall be passed, and appropriate action shall be taken in accordance with law.

9. In view of the above directions, these petitions stand disposed.

JUDGE

JUDGE

Karar\_Hussain/PS\*