

HIGH COURT OF SINDH CIRCUIT COURT, MIRPURKHAS

C.P No.D-259 of 2025

[Zafar Ali vs. Province of Sindh & others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE RIAZAT ALI SAHAR

Mr. Feroze Ali Junejo, advocate for petitioner(s)

Mr. Muhammad Sharif Solangi Assistant A.G Sindh

Date of hearing & decision: 12.11.2025

ORDER

ADNAN-UL-KARIM MEMON J.- Petitioner prayed as under:

- a. Declare the refusal to conduct the petitioner's Medical Test illegal and void.
- b. Direct respondents to include the petitioner's name in the list of interview-qualified candidates and allow the Medical Test to be conducted.
- c. Suspend the final merit list until the petitioner is allowed to complete the Medical Test.

2. The case of the petitioner is that he holds a Bachelor's Degree in Information Technology from the University of Sindh Jamshoro. The petitioner applied for the post of Police Constable (BPS-07) in Range Mirpurkhas, Sindh Police, under an Advertisement which had 301 vacancies. Out of these, 241 posts were for general merit candidates. The petitioner successfully completed the Physical Test held on 22.06.2024 at PTC Shahdadpur and appeared in the written examination on 08.05.2024, securing qualifying marks. However, his marks were not declared by SIBA Testing in coordination with Sindh Police. Despite this, the petitioner complied with the document verification process and was issued a Viva Voce/ Interview slip for 22.12.2024. The petitioner alleges that concealing written examination marks and withholding his name from the qualified candidates' list was an illegal act of respondents to favor low-performing candidates. Before the petitioner's Viva Voce/Interview and Medical Test, a false FIR No. 286/2023 was lodged against him by his relatives. The FIR was later cancelled as "C" Class on 26.08.2024, and the petitioner was acquitted. Despite acquittal, respondents refused to allow him to appear in

Viva Voce/Interview and Medical Test for both Police Constable (BPS-07) and SPU (CPEC) positions, causing mental agony and depriving him of his legal right. The petitioner qualified all preliminary stages (Physical Test, Written Test, Running Test, Viva Voce) and seeks lawful inclusion in the merit list and the opportunity to undergo the Medical Test.

3. Learned A.A.G submitted that the petitioner was restrained from interview due to involvement in criminal cases verified by the Local Police, Special Branch and CRO as per IGP Sindh Karachi directives. Respondent No.4 requests that his name be struck off from the list of respondents and the petition against him be dismissed.

4. In view of the facts and circumstances of the case, it is evident that the petitioner has duly fulfilled all preliminary requirements for recruitment to the post of Police Constable (BPS-07) in Range Mirpurkhas, including the physical, written, and running tests, and was duly issued a Viva Voce/Interview slip. Thus, the petitioner had a legitimate expectation to be allowed to proceed to the final stage of the recruitment process, i.e. the medical examination, in accordance with law and fair procedure. The petitioner's exclusion from the list of interview-qualified candidates, the non-disclosure of his written-test marks and the denial of medical examination despite qualifying earlier stages, raise serious concerns regarding transparency, fairness, and adherence to merit-based recruitment principles. The courts have consistently held that public appointments must be conducted on merit, ensuring equal opportunity and procedural fairness.

5. The registration of false FIR, which later on was cancelled as "C" Class and in which the petitioner was acquitted, cannot be treated as a bar to his appointment. Under Section 15 of the *Sindh Civil Servants Act, 1973*, only a person convicted of an offence involving moral turpitude is disqualified from public employment. Jurisprudence has repeatedly affirmed that mere registration or pendency of a criminal case does not disqualify a candidate; upon acquittal, the presumption of innocence stands fully restored. Accordingly, the respondents' reliance on the existence of a previously cancelled FIR to exclude the petitioner is legally untenable and violative of Article 25 of the Constitution, which guarantees equality before law and equal protection of law.

6. Given these circumstances, the refusal to conduct the petitioner's medical examination is unlawful. The petitioner has a valid legal basis to be

included in the list of qualified candidates and to be allowed to undergo the medical test and final stage of recruitment. It is also appropriate that final merit list remain suspended until the petitioner is given an opportunity to complete the process, to prevent irreparable harm and ensure fairness. However, the petitioner shall still be subject to the outcome of medical fitness test and any lawful recruitment requirements, provided that such requirements are applied uniformly and without discrimination.

7. Accordingly, the petition is disposed of in the above terms, directing the respondents to allow the petitioner to appear for medical test and consider his candidature strictly in accordance with law, transparency, and merit, more particularly in terms of recent Decision of the Supreme Court on the subject issue.

JUDGE

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