

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

C.P. No. D-1959 of 2025

PRESENT:

MR. JUSTICE ARBAB ALI HAKRO

MR. JUSTICE RIAZAT ALI SAHAR

Petitioner : Muhammad Nadeem through
Mr.Ghulam Mohiuddin Panhwar,
Advocate.

Respondents: Province of Sindh & others through
Mr. Muhammad Rafique Dahri,
A.A.G. Sindh along with Asif
Mehmood Malik, Deputy Secretary
and Jan Mubeen Deputy Director
(Litigation).

Date of Hearing : **29.01.2026**

Date of Decision : **29.01.2026**

JUDGMENT

RIAZAT ALI SAHAR J: - Through this judgment, we propose to decide the instant constitutional petition filed by the petitioner, with the following prayers:-

- a) To direct the respondents to appoint the petitioner after conducting the interview as per the advertisement No. 4 of 2025 dated: 11-03-2025.
- b) To direct the respondents to make the requisite degree of LL.B with experience in the recruitment rules of the post of Senior Law Officer in BPS-18.
- c) To direct the respondents to cancel the recruitment rules for Senior Law Officer in BPS-18 at the extend of requisite degree LL.M/Bar at Law and required experience as an advocate.
- d) To direct the respondents to cancel the press release dated: 24-10-2025.

- e) To declare the respondents to cancel the re-advertised No. 11 of 2025 dated: 24-10-2025.
- f) To suspend the operation of re-advertised No. 11 of 2025 dated: 24-10-2025 till the decision of this petition.
- g) Any other or additional relief as his Honorable Court deems fit, just and proper may be awarded to the petitioner according the circumstance of the petition.

2. The petitioner in his petition has stated that he is a practicing advocate, enrolled with the Sindh Bar Council, having more than sixteen years' standing at the Bar and practicing lawyer since 2009. Respondent No.2 (SPSC Hyderabad issued Advertisement No.04 of 2025 dated 11.03.2025, inviting applications for various posts including one post of Senior Law Officer (BPS-18) allocated for Rural Sindh, prescribing LL.M or Bar-at-Law as essential qualification. The petitioner stated that such qualification is arbitrary, discriminatory and violative of Articles 4, 14, 25, and 27 of the Constitution, particularly when LL.B is the prescribed qualification for higher judicial and prosecutorial offices, including Civil Judges, Additional Sessions Judges, Deputy District Public Prosecutors and even Judges of the High Court. Notwithstanding the impugned condition, the petitioner applied within time, was issued an admission slip, appeared in the written test held on 15.07.2025 and was declared successful vide Press Release dated 14.10.2025, securing 37 marks at Serial No.2. However, vide letter dated 20.10.2025, his candidature was rejected on the ground of alleged non-submission of documents, though he was granted the right of appeal, which he duly availed by filing an appeal along with challan on 22.10.2025. Thereafter, interviews were postponed through Press Release dated 22.10.2025, yet the respondents, without finalizing the earlier recruitment process, issued Re-Advertisement No.11 of 2025 dated 24.10.2025 for the same

posts. The petitioner alleged that the re-advertisement was issued in undue haste and with *mala fide* intent to favour certain candidates, particularly when the selection process had reached its final stage. It is further stated that the petitioner has repeatedly qualified written examinations conducted by the Sindh Public Service Commission since 2015 but was not appointed due to alleged favoritism and that having now crossed the upper age limit, the impugned action jeopardizes his last opportunity for public employment.

3. In response to the Court's notice, the respondents No.02 to 05 have filed comments contesting the petition. They did not dispute the petitioner's status as an advocate, his application, appearance in the written test, declaration of result, issuance of rejection letter, filing of appeal, postponement of interviews, or issuance of the re-advertisement. However, they categorically denied all allegations of *mala fide*, favoritism, discrimination, or violation of constitutional rights. They have stated that Advertisement No.04 of 2025 dated 11.03.2025 was issued strictly in accordance with duly approved recruitment rules, which prescribe LL.M or Bar-at-Law with not less than seven years' standing at the Bar, including seven years' practice as an Advocate of the High Court, as essential qualification for the post of Senior Law Officer (BPS-18). The respondents have stated that the said recruitment rules were framed after due process, as proposals were submitted to the competent authority on 24.09.2024 and were unanimously approved in a meeting held on 08.11.2024, keeping in view the need for a highly competent officer with substantial experience before superior courts. They further stated that during scrutiny of documents, no candidate, including the petitioner, was found eligible to be called for interview in terms of the prescribed criteria; consequently, interviews were postponed vide Press Release

dated 22.10.2025. Thereafter, due to non-availability of eligible candidates and in view of the urgent requirement arising from vacant posts, the Sindh Public Service Commission (“Commission”) lawfully re-advertised the posts through Advertisement No.11 of 2025 dated 24.10.2025. The respondents have also stated that re-advertisement was neither hasty nor *mala fide* but was necessitated by administrative exigency and the need to ensure smooth functioning of the Commission. Allegations relating to the petitioner’s non-selection in earlier recruitments are stated to be based on assumptions and presumptions, as the Commission is a constitutional and independent body providing a transparent and level playing field to all candidates. The respondents have further contended that the petitioner does not meet the eligibility criteria for the post in question and moreover, he failed to exhaust the statutory remedy of representation/appeal under Regulation 161 of RMR-2023 before invoking the constitutional jurisdiction of this Court. Hence, the respondents contended that the petition is devoid of merit and liable to be dismissed.

4. Respondent No. 03 (Secretary, Sindh Public Service Commission), through Deputy Director (Litigation), has filed a statement opposing the petition. It is stated that the recruitment rules for the post of Senior Law Officer (BPS-18) were neither framed nor unilaterally prescribed by the Sindh Public Service Commission; rather, proposals were forwarded to the competent authority, namely Recruitment Rules Committee-I (RRC-I), SGA&CD, vide letter dated 24.09.2024. After vetting by the Law Department and due deliberation by the competent forum, the recruitment rules were duly approved and notified in accordance with law. It is further stated that the advertisement was issued strictly in consonance with the notified rules, which prescribed LL.M or Bar-at-Law (at least in 2nd Division) as the minimum academic qualification. It is

specifically contended that the petitioner furnished incorrect information in his online application by entering a Master's degree in Political Science, upon which his application was initially processed; however, at the stage of manual scrutiny he failed to produce the mandatory qualification of LL.M/Bar-at-Law, rendering him ineligible under the applicable rules. Consequently, his candidature was rejected in accordance with law. On the aforesaid premises, Respondent No. 03 prayed that the petition is misconceived and liable to be dismissed.

5. Learned counsel for the petitioner contended that the impugned prescription of LL.M/Bar-at-Law as an essential qualification for the post of Senior Law Officer (BPS-18) is arbitrary, discriminatory and in violation of Articles 4, 14, 25 and 27 of the Constitution. He contended that LL.B is the recognized qualification for higher judicial and prosecutorial offices, including Civil Judges and Additional Sessions Judges, therefore exclusion of experienced advocates holding LL.B lacks reasonable classification. Learned counsel contended that the petitioner was duly declared successful in the written examination and his candidature was rejected on hyper-technical grounds despite compliance with the eligibility criteria in substance. He further contended that postponement of interviews followed by hasty re-advertisement of the same posts, without finalizing the ongoing recruitment process, reflects *mala fide* intention and favoritism. Learned counsel contended that the petitioner has consistently qualified competitive examinations conducted by SPSC and having now crossed the upper age limit, denial of appointment would cause irreparable loss. He, therefore, prayed that the impugned re-advertisement and recruitment rules be set aside and the petitioner be considered for appointment in accordance with law.

6. Conversely, learned Assistant Advocate General Sindh supported the actions of the Sindh Public Service Commission and contended that the recruitment rules were framed and approved by the competent authority RRC-I, SGA&CD, after due vetting by the Law Department and the Commission merely acted in accordance with the notified rules. He contended that prescribing higher qualification for a senior legal post falls within the domain of policy, which is not open to judicial interference unless shown to be patently unlawful. Learned A.A.G. also contended that the petitioner admittedly does not possess the mandatory qualification of LL.M/Bar-at-Law and further furnished incorrect information in his online application, rendering him ineligible at the stage of scrutiny. He also contended that no candidate was found eligible for interview under the prescribed criteria, necessitating postponement and subsequent re-advertisement of the posts due to administrative exigency. He contended that the allegations of *mala fide*, favoritism and discrimination are baseless and unsupported by any material. Learned A.A.G. further contended that the petitioner failed to exhaust the statutory remedy of representation under the relevant regulations and therefore the petition is not maintainable and liable to be dismissed.

7. Heard learned counsel for the petitioner and learned Assistant Advocate General Sindh representing the respondents and examined the pleadings, statements, advertisements, annexed notifications and the record placed before this Court with their assistance.

8. The gravamen of the petitioner's case rests on a challenge to the recruitment rules prescribing LL.M or Bar-at-Law as the essential qualification for the post of Senior Law Officer (BPS-18), coupled with allegations of *mala fide*, discrimination and favoritism on the part of the Sindh Public

Service Commission. The petitioner further seeks to derive a right of appointment on the basis of having qualified the written examination. Each of these contentions is required to be examined in the light of the admitted and established facts on record.

9. At the outset, it is necessary to address the validity of the recruitment rules and the role of the Sindh Public Service Commission. The record clearly shows that the recruitment rules for the post of Senior Law Officer (BPS-18) were not framed unilaterally by the Commission. Proposals were forwarded by the Commission to the competent authority, Recruitment Rules Committee-I (RRC-I), Services, General Administration & Coordination Department (SGA&CD), vide letter dated 24.09.2024. Thereafter, the proposed rules were vetted by the Law Department, deliberated upon by the competent forum and ultimately approved and notified through formal notification. The advertisement issued by the Commission was strictly in consonance with the notified rules. In these circumstances, the challenge laid to the recruitment rules on the ground of lack of authority or arbitrariness is misconceived and without factual foundation.

10. It is a settled principle of law that prescription of qualifications and experience for public posts falls within the policy domain of the competent executive authority. Courts do not ordinarily interfere in such matters unless the policy is shown to be patently arbitrary, discriminatory or in violation of constitutional guarantees. The petitioner has failed to demonstrate that prescribing a higher qualification for a senior legal post lacks rational nexus with the duties attached thereto. The post of Senior Law Officer (BPS-18) carries significant responsibilities involving legal advisory functions, representation before superior courts and interpretation of

complex legal matters. The competent authority, therefore, cannot be faulted for prescribing enhanced academic and professional standards. The comparison sought to be drawn by the petitioner with qualifications prescribed for judicial officers or constitutional courts is misplaced, as each cadre and post is governed by its own statutory framework and service exigencies.

11. Turning to the petitioner's eligibility, the record discloses an admitted and crucial fact which strikes at the root of the petitioner's claim. **At the time of submission of the online application form, the petitioner did not disclose possession of any LL.M degree.** Instead, he declared having passed Matriculation, Intermediate, Bachelor (Arts), Bachelor of Laws (LL.B), and Master/M.Phil in Political Science. **The advertisement in clear and unambiguous terms required a Degree in LL.M or Bar-at-Law (at least in 2nd Division) as an essential qualification.** A Master's degree in Political Science, howsoever valuable academically, does not satisfy the mandatory requirement prescribed for the post. It is also on record that the petitioner's application was initially processed on the basis of the information furnished by him, but at the stage of manual scrutiny he failed to produce the requisite qualification, resulting in rejection of his candidature.

12. It is well settled that eligibility conditions must be fulfilled on the closing date of applications and must be strictly complied with. Neither inadvertent processing nor success in a written examination can confer any vested or accrued right upon a candidate who does not meet the essential eligibility criteria. The doctrine of legitimate expectation or equity has no application where statutory rules clearly prescribe mandatory qualifications. The petitioner's argument that having qualified

the written test he was entitled to appointment or at least interview is, therefore, legally untenable.

13. As regards the allegation of furnishing incorrect or misleading information, the record shows that the petitioner did not disclose the qualification mandated by the advertisement. Whether viewed as incorrect disclosure or omission, the consequence remains the same, that the petitioner did not meet the eligibility criteria. The rejection of his candidature on this ground cannot be termed arbitrary or unlawful, but rather flows directly from the governing rules.

14. As far as postponement of interviews and subsequent re-advertisement is concerned, the respondents have consistently maintained that after scrutiny of documents, no candidate was found eligible to be called for interview under the prescribed criteria. In such circumstances, postponement of interviews was a logical and lawful administrative step. Thereafter, re-advertisement of the posts vide Advertisement No.11 of 2025 dated 24.10.2025 was undertaken to ensure availability of eligible candidates, particularly when the posts were vacant and required to be filled for smooth functioning of the Commission. Administrative exigency and public interest fully justified the impugned action.

15. The allegations of *mala fide* and favoritism have been raised in a sweeping and generalized manner without any supporting material, identification of beneficiaries, or specific particulars. It is settled law that *mala fide* is a serious charge which must be pleaded with accuracy and proved by cogent and convincing evidence. Mere suspicion, conjecture, or dissatisfaction with the outcome of a recruitment process does not suffice. In the present case, no material has been placed on record to substantiate such allegations.

16. It is worthwhile to note here with regard to the petitioner's reliance on his alleged non-selection in previous recruitment processes conducted by the Commission is also of no legal consequence. Each recruitment process is independent and must be assessed on its own merits. Past participation or success in written examinations does not create a perpetual or enforceable right to appointment. Similarly, the plea of having crossed the age limit, though unfortunate, does not confer any legal entitlement nor can it be a ground to invalidate a lawful recruitment process.

17. It is also pertinent to note that the respondents have raised an objection regarding non-exhaustion of the statutory remedy of representation or appeal under the relevant regulations. While availability of an alternate remedy does not per se bar constitutional jurisdiction, the petitioner has failed to demonstrate exceptional circumstances warranting interference, particularly where his ineligibility is apparent on the face of record. The jurisdiction under Article 199 of the Constitution is discretionary and equitable in nature and is not meant to rewrite recruitment rules, relax eligibility criteria, or substitute the decision of competent authorities.

18. In view of the foregoing discussion, this Court is satisfied that the actions of the respondents were taken strictly in accordance with the notified recruitment rules, the advertisement and the applicable legal framework. No illegality, arbitrariness, discrimination, or mala fide has been established so as to justify interference by this Court. Accordingly, the petition is **dismissed**, being devoid of merit, with no order as to costs.

JUDGE

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