

Order Sheet

# HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

**CP No. D- 432 of 2025**

[ Faraz Hussain and others v. Province of Sindh & others]

**Before :**

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Riazat Ali Sahar

Petitioners : Through Mr. Muhammad Arshad S. Pathan & Ayatullah Khowaja,  
Advocate

Respondent : Through Mr. Ishrat Ali Lohar, Advocate  
  
Mr. Rafiq Ahmed Dahri, Asstt: A.G.

Date of Hearing  
& Decision: 09.12.2025

## **ORDER**

**ADNAN-UL-KARIM MEMON, J.-** Through this Constitutional Petition, the petitioners have prayed for the following relief(s):-

- (a) To issue a writ declaring that the act of respondents Sindh Public Service Commission towards taking a consolidated written test to all posts of five departments and one interview without even a subject specialist or technical expert, the very process is illegal, void, and ab initio liable to be made annulled.
- (b) To declare that issuance of Corrigendum disturbing the maximum marks in written test and its act of minimizing that too without application, notice is illegal, unlawful, unjust and further non-disclosure of interview marks in the final result of the candidates especially petitioners is clear-cut violation of rules, bylaws and directives of Honourable High Court and Honourable Supreme Court that too without its Individual camera recording.
- (c) To direct the respondents, Sindh Public Service Commission, to comply with and finalize the representation and appeals subsequent thereto in the case of and submit the same in the above matter to proceed further.
- (d) To direct the respondents, Sindh Public Service Commission, to hold and interview for different departmental posts separately, afresh with its camera proceedings and recording to all candidates, including petitioners.
- (e) To restrain Sindh Government respondents No.1, 2 & 6 to 10 from proceeding further upon recommendation illegally, unlawfully advised and sent by the Sindh Public Service Commission, and restrain them from issuing offer letters and appointment letters, in any manner whatsoever.
- (f) Any other relief, which this Honourable Court deems fit and

2. The case of the petitioners is that Government of Sindh initiated recruitment for vacant BPS-17 posts of Junior Engineers designated as Assistant Executive Engineers (AEE) and Assistant Engineers (AE) across multiple departments. Under the law, the Sindh Public Service Commission (SPSC) is responsible for conducting examinations and forwarding merit-based recommendations to the relevant departments. To fulfill this mandate, SPSC issued several advertisements. Advertisement No. 04/2020, inviting applications for AE posts in Public Health & Rural Development, and in Sports & Youth Affairs; Advertisement No. 05/2021, inviting applications for AEE/AE posts in Irrigation, Works & Services, Local Government, and Local Government Board; and Advertisement No. 08/2022, inviting applications for AEE/AE posts in Education Works, School Education & Literacy, and Irrigation. The petitioners graduate Civil Engineers registered with Pakistan Engineering Council, applied to these posts as fully eligible candidates. SPSC conducted written tests arising from all three advertisements, mostly in a consolidated manner. Only the exams for the Local Government and Local Government Board posts were held slightly earlier, and their process was completed before the remaining five departments. The petitioners emphasize that they are high achievers, university position holders, gold and silver medalists, and graduates with top CGPAs. In the written examinations, they secured exceptionally high marks, many ranging from 534 to 551 out of 800, representing the highest marks awarded in the entire recruitment cycle. Their confidence, knowledge, and interview performance, according to them, were fully satisfactory. SPSC divided the consolidated written exam into three categories: Compulsory General subjects, failure in any of which disqualified candidates from all departments; Compulsory Professional subjects, failure in which disqualified candidates only from specific departments; Optional subjects, linked to the candidate's professional specialization. All petitioners passed every relevant subject and comfortably surpassed the 40% aggregate threshold. Despite this, when results were announced across the five departments, the petitioners were declared failed in interviews without disclosure of their interview marks. They claim that, given their high written marks, securing even 60 interview marks would have guaranteed their selection under SPSC's own criteria. Yet they were marked as failed without explanation. The petitioners submit that the interview process itself violated THE mandatory Supreme Court and High Court directives requiring video recording of interviews and preventing interview committees from accessing candidates' written marks, departments, or employment details. Instead, SPSC interview committees allegedly possessed full information, acted arbitrarily, and awarded extraordinarily high interview marks, 193, 195, 197, even 198 out of 200 to candidates with very low written scores, solely to ensure their recommendation. A particularly serious allegation is that SPSC issued Corrigendum-I (26.07.2024) and Corrigendum-II (30.09.2024), altering written marks without lawful authority. Petitioners' marks were drastically reduced sometimes by more than 50 marks, while failed candidates' marks were inflated to convert their status from "Fail" to "Pass." Examples include: Petitioner

Muhammad Bachal, whose written marks dropped from 564.5 to 508.5; Petitioner Ali Khan Mari, whose marks were reduced from 577 to 505; Naad-e-Ali, originally failed was increased from 435 to 487 and awarded 196 interview marks, leading to his recommendation; Fayaz Ahmed whose marks jumped from 413.5 to 498.5, resulting in recommendation; Multiple other candidates, previously failed in written exams of various departments, were declared passed via corrigendum and recommended by awarding inflated interview marks. The petitioners also highlight instances where candidates who failed in written exams in several departments were nevertheless given near-perfect interview marks—197 or 198 out of 200—and recommended, while the petitioners, despite their academic excellence and prior interview success in earlier SPSC processes (including Local Government interviews conducted just months earlier), were not even awarded the minimum passing interview score of 60. They submit that SPSC’s role is only to conduct examinations and forward merit lists, not to manipulate results or recommend candidates selectively. The issuance of corrigendum during and after interviews, alteration of marks, non-recording of interviews, and violation of transparency rules all point to systemic corruption and deliberate exclusion of meritorious candidates. Given the depth of irregularities, the petitioners request that the entire recruitment process be declared void ab initio, that fresh interviews be conducted under judicial supervision, preferably by a three-member committee including Sessions Judge, and that all interviews be video-recorded as required by the Supreme Court. They further submit that they are willing to undergo fresh interviews at any time to demonstrate their merit.

3. Learned counsel for the petitioners argued that the petitioners are top university position holders, gold and silver medalists, and submitted that the Sindh Government and Sindh Public Service Commission (SPSC) conducted the recruitment process for Assistant Executive Engineers and Assistant Engineers in a manner that was arbitrary, discriminatory, and corrupt. Although the petitioners scored the highest marks in written examinations and performed exceptionally in interviews, their interview results were withheld, and they were declared “failed,” while certain favored candidates, often described as “blue-eyed,” were awarded extraordinarily high interview marks up to 198 out of 200. The petitioners' counsel contend that SPSC violated Supreme Court directives by disclosing written-test information to interview committees, failing to record interviews on camera, not publicly displaying marks, and ignoring rules requiring the involvement of Subject Specialists and Technical Experts. In many cases, interviews were conducted without these experts, yet candidates were graded, and many petitioners were unfairly failed. Further, SPSC conducted consolidated examinations for multiple departments but later issued inconsistent mark-sheets, altered marks, and issued corrigenda, reducing the petitioners’ scores while enhancing others’, favoring politically influential individuals. Written results were announced after fifteen months, and interview results after five months, with no plausible justification. Rule 2(g) of the SPSC Rules 2022, requiring a fair combination of written and viva-voce marks, was also violated. Despite complaints and

departmental appeals under Section 161, no corrective action was taken. The petitioners submit that the entire process of the written test, interview, and final selection is illegal, discriminatory, and designed to undermine merit. They request judicial intervention, including the production of interview recordings, to expose massive irregularities, corruption, and violations of merit within SPSC, and prayed for relief accordingly.

4. Learned AAG submitted that Sindh Public Service Commission (SPSC), a constitutional and independent body, conducted the Combined Competitive Examination (CCE) 2023 for the Engineering Cadre in strict accordance with SPSC Act 2022, SPSC Rules 2022, and Recruitment Management Regulations (RMR) 2023. The Commission had advertised posts of Assistant Engineer/Assistant Executive Engineer (BPS-17) across various departments through Advertisement Nos. 04/2020, 05/2021, and 06/2022, and the petitioners had duly applied and appeared in the examination. To optimize time and resources and to address prior periods of inactivity, SPSC conducted a consolidated written examination and interviews for multiple departments, after obtaining legal approvals in full commission meetings and issuing press releases detailing the standard operating procedures (SOPs). The Commission maintains that it operates transparently and impartially, providing a level playing field for all candidates without any discrimination, bias, or favoritism. The recruitment process involves two components: the written test and the interview/viva voce, with the final merit list determined based on performance in both. Passing the written test alone does not guarantee appointment. While some petitioners performed well in the written examination, many failed to achieve the minimum qualifying marks in the interview (30% of 200 marks) or scored modestly. Others performed better in the overall merit list. SPSC further noted that minor technical or human errors in the initial marksheets were rectified through corrigenda under Regulation 149 of RMR 2023 to ensure accuracy and fairness. Audio-video records of all interviews are maintained and can be produced if the Court so directs. Learned AAG submitted that appeals filed under Regulation 161 of RMR 2023 by petitioners were considered on merit, with eleven orders rejecting claims of Faraz Hussain, Bilal Ahmed, Muhammad Bachal, and others. The Commission emphasized that interviews involve subjective assessments, and courts do not substitute their judgment for that of the interview committees. Remaining appeals are under process and will similarly be decided on merit. It was further submitted that all actions taken by SPSC were lawful, transparent, and in accordance with applicable regulations. The petitioners have failed to demonstrate any wrongdoing, and their allegations are without legal basis. The issues raised are factual in nature and do not raise any legal questions suitable for adjudication under writ jurisdiction. Learned AAG also stated that, following the Commission's recommendations, offer letters were issued on 05.05.2025 to the successful candidates for the post of Assistant Engineer (Civil), BPS-17. All selected candidates have joined their respective posts, and posting orders were issued after completing necessary formalities, including police verification, medical fitness, and

verification of educational credentials. The performance of the appointed candidates to date has been satisfactory. Accordingly, the AAG prayed for dismissal of the petition.

5. Upon reviewing the submissions of both parties, the dispute concerns the recruitment process conducted by the Sindh Public Service Commission (SPSC) for the posts of Assistant Engineer and Assistant Executive Engineer (BPS-17) under the Combined Competitive Examination (CCE) 2023 for the Engineering Cadre. The petitioners allege that the process was marred by irregularities, including the consolidation of multiple departmental examinations and interviews into a single session, undue delays in announcing results, issuance of corrigenda that allegedly reduced their marks, and granting of disproportionately high interview scores to certain other candidates. They assert that these actions violated principles of transparency, merit, and fairness as mandated under the SPSC Act 2022, SPSC Rules 2022, and judicial directives of the Honourable Supreme Court and High Court. The petitioners contend that despite being university gold medalists, top position holders, and high scorers in the written examinations, they were declared “failed” in interviews, while allegedly favored candidates with lower written scores received exceptionally high interview marks, amounting to systemic bias, corruption, and unlawful discrimination. In response, the learned Additional Advocate General (AAG) submitted that SPSC is a constitutional and independent body, conducted the examination and interview process strictly in accordance with its statutory mandate, the relevant rules, and Recruitment Management Regulations (RMR) 2023; that SPSC has wide discretion in assessing candidates during interviews, which are inherently subjective in nature. Performance in the written examination alone does not guarantee appointment, as final selection is based on combined performance in both written and viva-voce components. Any minor technical or human errors in the initial marksheets were corrected through lawful corrigenda under RMR 2023, and SPSC maintains complete audio-video records of all interviews for verification. Appeals submitted by petitioners under Regulation 161 of RMR 2023 were considered on merit, with eleven orders rejecting claims of bias or irregularity. The AAG further relied on the established case law, including *Muhammad Ashraf Sangri v. Federation of Pakistan* (2014 SCMR 157) and *Ghulam Shabbir Jiskani v. Federation of Pakistan* (2011 SCMR 1198), highlighting that courts generally do not substitute their judgment for that of competent interview boards unless there is clear evidence of malicious intent or procedural violations.

6. Upon review, it is observed that SPSC has wide discretion in conducting interviews, and courts generally do not interfere with subjective assessments unless there is clear evidence of bias, corruption, or procedural violation. The petitioners’ allegations are largely based on assumptions of favoritism, without concrete proof of malafide action. Minor errors were lawfully corrected through corrigenda, and audio-video records substantiate the integrity of the process. Judicial precedents confirm that high written exam scores do not guarantee appointment if combined merit and interview standards are not

met. The recruitment, including written and viva-voce assessments, was conducted in accordance with statutory rules, regulations, and established principles.

7. The Petitioners' grievances pertain to the evaluation of their interview performance and the determination of merit, matters which squarely fall within the exclusive domain of Sindh Public Service Commission (SPSC) or the competent authority of Government of Sindh. This Court, exercising Constitutional jurisdiction under Article 199 of the Constitution, is neither equipped nor competent to re-assess or evaluate the claims and counterclaims concerning merit or interview performance. At this stage, it has been informed that the recommended candidates have already been appointed to the subject posts. Disturbing the appointments of these candidates, without impleading them as parties to the present proceedings, is neither necessary nor appropriate. The Petition is dismissed.

JUDGE

JUDGE

karar\_hussain/PS\*