

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D- 1902 of 2025

[Muhammad Owais v. Province of Sindh & others]

BEFORE:

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

Petitioners: Through, Mr. Faizan Hussain Memon, Advocate
Mr. Rafiq Ahmed Dahri, Asstt: A.G., along with
Insp. Manzoor Ali for SSP Hyderabad.

Date of hearing:
& Decision: 25.11.2025

O R D E R

ADNAN-UL-KARIM MEMON, J. - Through instant Constitutional Petition, the Petitioner has prayed as under:-

- i. Declare that the Respondents' failure to issue the Petitioner's offer letter/appointment order is arbitrary, discriminatory, illegal, mala fide, unlawful, ultra vires, and violative of the Petitioner's fundamental rights;
- ii. Direct the Respondents to forthwith issue an offer letter/appointment order to the Petitioner as Assistant Sub-Inspector (BS-11), Hyderabad Range, with all consequential benefits, including seniority, pay, and other emoluments;
- iii. Restrain the Respondents, their officers, agents, and servants from appointing or filling up one post of Assistant Sub-Inspector (BS-11) in Hyderabad Range, or taking any further steps in the recruitment process, in a manner that may prejudice the Petitioner's rights;

2. The case of the Petitioner is that he applied for the post of Assistant Sub-Inspector BS-09, later upgraded to BS-11 through the Sindh Public Service Commission (SPSC) on 23.07.2024, fulfilling all eligibility criteria. He cleared the physical test on 05.10.2024, the written examination, and the interview, and was declared qualified for appointment and recommended accordingly. Despite completing all codal formalities, including submission of documents and medical examination, the Petitioner has not received offer letter, whereas others did around

18.09.2025. His application dated 06.10.2025 requesting for appointment letter went unanswered.

3. The Petitioner counsel contends that the delay is due to FIR No. 139/2021, in which he was falsely implicated. The case was disposed of as "stop proceedings" under Section 249 Cr.P.C on 13.12.2022, by the learned Magistrate, and the complainant withdrew her application for cancellation of bail on 24.05.2024. However, he has not been convicted, and mere involvement in criminal case cannot bar his appointment, counsel emphasized. The Petitioner's counsel alleges the Respondents' actions are arbitrary, illegal, discriminatory and *mala fide*, and seeks issuance of his appointment letter. He prayed to allow the petition.

4. In response, the SSP Hyderabad submitted that the Petitioner completed all recruitment formalities and was declared fit for appointment as ASI vide press release dated 28.07.2025. However, issuance of offer letter was withheld by the police department due to pendency of FIR No. 139/2021. He submitted that the case was referred to DIGP Hyderabad and IGP Sindh, and the Sindh Police Recruitment Board (SPRB) is currently reviewing the matter. Any delay is procedural, arising solely from the requirement of clearance from competent authorities. However, he denies any malice or discrimination and prays for dismissal of the Petition.

5. After hearing both the parties and examining the record, it is noted that the Petitioner applied for the post of Assistant Sub-Inspector through Sindh Public Service Commission on 23.07.2024, meeting all eligibility criteria. He cleared the physical test, written examination and interview, and was declared qualified. Despite completing all formalities, including document submission and medical examination, he has not received his offer letter, while other candidates have. The Respondents cite FIR No. 139/2021, but the case was disposed of as "stop proceedings" on 13.12.2022 due to lack of evidence, the complainant withdrew her application on 24.05.2024.

6. It is a well-established principle of law that mere involvement in a criminal case cannot be a ground to withhold lawful appointment unless the candidate has been convicted of an offence involving moral turpitude. A case that has been disposed of as "stop proceedings" cannot serve as a bar to employment. The Petitioner, having been duly selected and recommended by the Sindh Public Service Commission, has acquired a vested right to appointment. The Respondents shall ensure that the Petitioner's candidature shall not be rejected, withheld or prejudiced based on FIR No. 139/2021, as the proceedings have already been stopped for want of evidence. The delay in issuance of offer letter by the Respondents is therefore arbitrary, discriminatory, and illegal.

7. In view of the above facts and circumstances of the case, the Respondents are directed to issue offer letter/appointment order to the Petitioner as Assistant Sub-Inspector, Hyderabad Range, in accordance with the recommendation of Sindh Public Service Commission, within 15 days from the date of this order.

The Petition is allowed in the above terms.

JUDGE

JUDGE

Karar_Hussain/PS*