

Order Sheet

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D- 3536 of 2022
[Manzoor Ali v. Province of Sindh & others]

Before :

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Riazat Ali Sahar

Petitioner : Petitioner present in person

Mr. Rafiq Ahmed Dahri, Asstt: A.G. along with Akhlaq Ahmed
Kalwar Deputy Director (Recruitment) SPSC Hyderabad

Date of Hearing
& Decision: 08.12.2025

ORDER

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

- a) That the impugned rejection as candidature of the petitioner by the respondent No.5 be declared as illegal, unlawful, malafide, misuse of authority, and is against the principle of natural justice, hence not sustainable in the eyes of law.
- b) To direct the respondents to conduct the interview/viva voce of the petitioner as being eligible and qualified for the written examination.
- c) To restrain the respondents from making the recruitment to the post of Deputy District Attorney till the final adjudication of the captioned Petition.

2. The Petitioner's case is that, in response to the advertisement issued by the Sindh Public Service Commission dated 09.02.2020, he applied for the post of Deputy District Attorney (BPS-18). The Petitioner was called for pre-interview written test on 29.12.2021. However, his candidature was rejected because he did not possess the required five years of standing experience. The Petitioner approached the respondents, the Sindh Public Service Commission, to demonstrate that he had, in fact, acquired the requisite experience, but despite this, his claim was not considered. Consequently, the Petitioner has filed the instant Petition.

3. Learned AAG assisted by Mr. Akhlaq Ahmed Kalwar, Deputy Director (Recruitment) SPSC Hyderabad, submitted that the Sindh Public Service Commission (SPSC) filed its comments, stating that the Petitioner was provisionally allowed to appear in the pre-interview written test. However, during the document scrutiny

following the test, it was observed that the Petitioner did not possess the requisite five years of standing at the Bar, as per the certificate issued by the Additional Secretary. He further submitted that, as of the closing date, the Petitioner had only four years and five months of experience. Consequently, his candidature was rejected. Learned A.A.G therefore, prayed for dismissal of the instant Petition.

4. The petition challenging rejection of the candidature for the post of Deputy District Attorney (BPS-18) by the SPSC is not maintainable under Article 199 of the Constitution as the rejection was lawful and valid, as the petitioner failed to meet the mandatory eligibility requirement of five years' standing at the Bar, having only four years and five months of experience as of the closing date. The SPSC acted within its discretion in adhering to the prescribed eligibility criteria. The petitioner's shortfall cannot be treated as technicality or remedied post facto. Accordingly, there is no violation of natural justice or mala fide in the rejection, and the request to direct the SPSC to conduct the interview/viva voce is hereby refused. The petition stands dismissed.

JUDGE

JUDGE

karar_hussain/PS*