

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS**

C.P. No.D-495 of 2025

[Pervez and another vs. Province of Sindh & others]

CP. No. D- 504 of 2025

[Asfand Yar Khan and others vs. Province of Sindh & others]

BEFORE:

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

Mr. Muhammad Azhar Arain, Advocate for petitioner in CP. No.D-495 of 2025
Mr. Shoukat Ali Rahimoon, Advocate for petitioner in CP. No.D-504 of 2025
Mr. Ayaz Ali Rajpar, Assistant Advocate General Sindh.

Date of Hearing
& Decision : 10.12.2025.

ORDER

ADNAN-UL-KARIM MEMON, J . - The Petitioners prayed that this Court may graciously be pleased to:

- a. Declare that the exclusion of the petitioners from selection and appointment to the post of Assistant Sub-Inspector (BPS-09), Home Department, Government of Sindh, is illegal, arbitrary, discriminatory, and unconstitutional.
- b. Set aside or suspend the impugned Press Release dated 08-07-2025 regarding final selections and restrain the respondents from issuing offer letters or allowing selected candidates to join service until disposal of this petition.
- c. Direct the respondents to disclose the complete recruitment record, including written test marks, interview marks, interview criteria, panel evaluation reports, and the full merit list of all candidates.
- d. Declare the interview and final selection process as unlawful, non-transparent, mala fide, and violative of Articles 25 and 27 of the Constitution.
- e. Order reconsideration of the petitioners' candidature strictly on merit, in accordance with law and applicable rules, and conduct re-interviews or a fresh evaluation process for all affected candidates, if deemed necessary by this Hon'ble Court.
- f. Direct the respondents to make appointments to the post of Assistant Sub-Inspector (BPS-09) only after a transparent, fair, and merit-based process compliant with constitutional guarantees.
- g. Grant any other relief deemed just and proper in the circumstances of the case.

2. The case of the petitioners in both petitions is that through Consolidated Advertisement No. 06/2024 dated 19-07-2024, the Sindh Public Service Commission (SPSC) invited applications for various posts, including Assistant Sub-Inspector (ASI) BPS-09 in the Home Department, Government of Sindh. The petitioners, being eligible,

submitted online applications and were declared eligible. They appeared in physical fitness test and were declared successful through press release dated 04-12-2024, after which they were called for pre-interview written test. SPSC announced the written test results on 20-05-2025, in which the petitioners qualified. Subsequently, the petitioners appeared in interview. Subsequently on 08-07-2025, SPSC issued final result, declaring 80 male, 15 female and 5 minority candidates successful for appointment as ASIs. The petitioners were not included in the final list. They contend that the selection process is mala fide, arbitrary, and based on pick-and-choose rather than merit. They argue that the final press release provides only the names of selected candidates and omits the list of unsuccessful candidates, which reflects lack of transparency. They further allege that certain selected candidates secured lower written marks than the petitioners but were awarded disproportionately high interview marks to manipulate the merit list. Petitioner No.2 additionally states that during his interview, no questions were asked regarding his knowledge, and he was told that his high qualifications made him suitable for other jobs, which shows bias.

3. The petitioners' counsel submitted that the selection process violated Articles 25 and 27 of the Constitution by denying them equal treatment and merit-based assessment. They contend that appointments have been influenced by external pressures, favoritism, and discrimination, depriving them of their fundamental rights. As SPSC is proceeding to issue offer letters, they claim no alternate adequate remedy is available. Counsel submitted that exclusion of Petitioners from selection is illegal; disclose complete data including written and interview marks; suspend the press release dated 08.07.2025 and restraining orders be issued from issuing offer and joining letters and re-interviews be conducted.

4. Learned AAG denies the allegations of favoritism or discrimination and states that it is a constitutional, independent body that provides equal opportunity to all candidates. He submits that recruitment comprises two components written examination and viva voce and that high written marks alone do not guarantee selection. Some candidates perform better in interviews due to communication skills and personality traits, which are essential for uniformed posts; that SPSC provides the petitioners' written and interview marks; that last recommended candidate from Mirpurkhas obtained 111 marks (58 written + 53 interview). On comparison, the petitioners' total scores fell below the final merit threshold; that the petitioners' claim of performing well in interviews is a self-assessment without legal value. He cites the judgments of Supreme Court and this Court confirming that courts do not interfere with the assessment of interview boards unless mala fide is proven. SPSC asserts that the entire process was transparent, and minority candidates were placed on general merit based on performance. Learned AAG further contends that the petitioners bypassed the statutory remedy of Appeal / representation under Regulation 161 of RMR 2023 before approaching the court, and therefore the petitions are liable to be dismissed.

5. After hearing counsel for the petitioners and learned Additional Advocate General representing the respondents, and upon examining the record placed before this Court, it emerges that the petitioners have challenged the final selection process for the post of Assistant Sub-Inspector (BPS-09) on the grounds of alleged arbitrariness, lack of transparency, mala fide, and deviation from merit. The petitioners contend that disproportionate interview marks, non-disclosure of unsuccessful candidates, and irregular interview proceedings demonstrate discrimination in violation of Articles 25 and 27 of the Constitution. Conversely, the respondents maintain that the entire recruitment exercise was conducted strictly under the prescribed procedure. It is asserted that interview marks legitimately vary based on communication skills, confidence, and suitability for uniformed service. The respondents further rely on judicial precedents confirming that courts ordinarily do not interfere with the subjective assessment of duly constituted interview boards in the absence of concrete evidence of mala fide. They also submit that the petitioners failed to avail the statutory remedy of representation under Regulation 161 of the RMR 2023.

6. In these circumstances, the issues that arise for determination include:

- i. whether the petitioners have demonstrated any specific illegality, procedural irregularity, or mala fide in the conduct of interviews and allocation of marks;
- (ii) Whether the claimed disparity in written and interview marks establishes discrimination;
- (iii) Whether non-disclosure of unsuccessful candidates affects the validity of the process; and
- (iv) Whether the petitioners' failure to invoke the statutory remedy bars the maintainability of the petitions.

7. The resolution of these issues depends upon the petitioners establishing through credible material that the interview process was manipulated, or conducted in breach of settled legal standards. Mere dissatisfaction with interview marks or comparison with selected candidates, without evidence of bias or violation of rules, is insufficient to justify interference under constitutional jurisdiction. In terms of Decision of the Supreme Court in the case of Muhammad Ashraf Sangri v. Federation of Pakistan (2014 SCMR 157) and Federation of Pakistan v. Ghulam Shabbir Jiskani (2011 SCMR 1198) which establish that the interviews are inherently subjective and courts generally do not interfere with the assessment of interview committees unless there is clear evidence of mala fide intent or procedural irregularity. Mere dis-agreement with the marks awarded to the candidates does not justify judicial intervention.

8. In the present case no such material has been placed on record to show mala fide conduct of the SPSC. Accordingly the petitioners do not have sustainable claim of judicial interference as they did not achieve the requisite merit for recommendation.

9. In view of the above, this court applying the principles of law, upholds the merit of the candidates already recommended and this Petition is without any substance as there is no justification to declare the final result null and void or to order a retake of the interview.

10. Accordingly, the petitions are dismissed in light of established principle that courts do not substitute their assessment for that of an interview board.

JUDGE

JUDGE

Karar_Hussain/PS*