

HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

C.P No.D-952 of 2025

*[Tofique @ Tofique Ahmed and another
Vs.
Province of Sindh and others]*

C.P No.D-972 of 2025

*[Ali Hassan and another
Vs.
Province of Sindh and others]*

Present:

Mr. Justice Arbab Ali Hakro,
Mr. Justice Abdul Hamid Bhurgri,

Petitioners by : Mr.Habibullah Ghouri, Advocate

Respondents by : Mr. Liaquat Ali Shar, Additional
Advocate, General

Dates of hearing & short Order : **21.10.2025**

Date of reasons : **30.10.2025**

ORDER

ARBAB ALI HAKRO, J.- Both petitions are taken up together for disposal as they involve a common substratum of facts, identical legal questions, and seeking similar reliefs. The petitioners have approached this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking issuance of writs against the Respondents for their failure to issue appointment orders for the post of Police Constable in District Shikarpur, despite the petitioners having been declared successful in the recruitment process and having been acquitted of all criminal charges previously levelled against them.

2. Petitioner Tofique Ahmed in C.P No.D-952 of 2025, had applied for the post of Police Constable under Advertisement SPD-01/2024 and was declared successful in the final merit list. His appointment was withheld due to prior involvement in two criminal cases. In FIR No. 81/2015 registered at P.S. Lakhi Gate, he was charged under Sections 337-A(i), F(i), 353, 147, 224 and 225 PPC, but was acquitted by the 4th Civil Judge & Judicial Magistrate, Shikarpur, on 29.11.2016 under Section 245(1) Cr.P.C. In FIR No. 28/2016 of the same police station, he was charged under Sections 337-A(i), F(i), 147, 148 PPC, but the case was disposed of under "C" Class on 22.04.2016.

3. Petitioner Rab Nawaz in C.P No.D-952 of 2025 was also declared successful in the same recruitment process for Police Constable. His appointment was withheld due to his prior involvement in FIR No. 37/2020 registered at P.S. Madeji under Sections 395, 397, 337-A(i), 506/2, 148 and 149 PPC. He faced trial in Sessions Case No. 46/2020 and was acquitted by the Sessions Court, Shikarpur, on 07.12.2020.

4. Petitioner Ali Hassan in C.P No.D-972 of 2025 was declared successful in the recruitment process for Police Constable under Advertisement SPD-01/2024. His appointment was withheld due to his involvement in FIR No. 54 of 2016 registered at P.S. Lakhi Ghulam Shah under Sections 337-A(i), F(i), 337-H(ii), 506/2, 504, 147 and 148 PPC. He was acquitted by the Civil Judge & Judicial Magistrate, Lakhi Ghulam Shah, on 09.02.2017.

5. Petitioner Sheeraz Ali in C.P No.D-972 of 2025 was declared successful in the same recruitment process for Police Constable. His appointment was withheld due to his involvement in FIR No. 58/2021 registered at P.S. Abad, District Sukkur, under Section 419 PPC. He was acquitted by the learned Civil Judge & Judicial Magistrate / Consumer Protection Court, Sukkur, on 03.06.2022.

6. The petitioners have placed on record certified copies of the judgments/Orders of acquittal, as well as the Committee Report dated 04.07.2025, issued by the Senior Superintendent of Police, Shikarpur, which unequivocally recommends their eligibility for appointment. The Committee, constituted under the directives of the Inspector General of Police, Sindh, conducted thorough verification of antecedents, found no fresh adverse material against the Petitioners, and unanimously recommended them as suitable for recruitment in the Sindh Police.

7. Learned counsel for the Petitioner(s) has argued with commendable clarity that the disqualification under Paragraph 4.1.18 of the Revised Sindh Police Recruitment Policy, 2022, applies only to candidates who have been convicted and not to those who have been acquitted. He contends that mere registration of a criminal case culminating in an acquittal cannot be grounds for disqualification.

8. Conversely, the learned Additional Advocate General (A.A.G), appearing for the Respondents, has attempted to justify the non-issuance of appointment orders by invoking Paragraph 4.1.18. However, when confronted with the plain language of the said provision, the learned A.A.G was unable to point to any regulation, policy, or instruction that prescribes disqualification on the basis of mere involvement in a criminal case that has ended in acquittal.

9. We have heard learned counsel for the Petitioner(s) and learned Additional Advocate General and have meticulously perused the record. The pivotal question is whether a candidate acquitted of criminal charges can be denied appointment under the Revised Sindh Police Recruitment Policy, 2022.

10. Paragraph 4.1.18 of the said Policy reads:

“In case a candidate is found to have been convicted in a court of law in any criminal case, he shall not be offered appointment irrespective of the nature of the offence and the period of sentence.” [Emphasis is supplied]

11. The language is unambiguous and categorical. The disqualification is triggered only upon conviction. It does not extend to cases where the candidate has been acquitted. The policy further provides that where an investigation or trial is pending, the offer of appointment may be held in abeyance until the candidate is cleared, and in the present case, the Petitioners were acquitted.

12. The Supreme Court of Pakistan, in its Order dated 22.10.2024, passed in Civil Petitions No.81-K and 82-K of 2024, has interpreted this provision in the terms that *“By no stretch of the imagination, the paragraph can be construed as extending the disqualification to a candidate who has been acquitted upon conclusion of a criminal trial.”*

13. This Court is bound by the principle of *stare decisis* and must follow the interpretation rendered by the apex Court. Any deviation from such binding precedent would amount to judicial impropriety.

14. Furthermore, Section 15 of the Sindh Civil Servants Act, 1973, provides that no person shall be appointed to a civil post unless he is found suitable in all respects. Suitability must be assessed on the basis of current character and antecedents, not on stale allegations that have been judicially discarded.

15. The Committee Report dated 04.07.2025, signed by the Senior Superintendent of Police and other senior officers, confirms that the petitioners have not been involved in any subsequent criminal activity and are fit for recruitment. Despite such findings, the Respondents' continued refusal to issue appointment orders is not only arbitrary but borders on administrative obstinacy.

16. This Court cannot remain a mute spectator to such blatant disregard of law and policy. The Respondents' conduct is not merely negligent; it is legally reprehensible. To deny a citizen his rightful appointment on the basis of acquitted charges is to trample upon the presumption of innocence, a cornerstone of our

criminal jurisprudence. Such action is not only *ultra vires* the Recruitment Policy, but also violative of Articles 4, 9, and 25 of the Constitution.

17. The Respondents have acted in a manner that is capricious, discriminatory and devoid of lawful justification. Their refusal to honour the recommendations of their own Committee and the binding precedent of the Supreme Court of Pakistan is a manifestation of bureaucratic high-handedness and institutional defiance.

18. The foregoing are the reasons for our short Order dated 21.10.2025, pursuant to which both petitions were **allowed**. Consequently, the Respondents/Competent Authority are hereby directed to issue appointment orders in favour of the Petitioners, strictly upon fulfillment of all codal formalities, within a period not exceeding one calendar month.

19. Before parting, it is imperative to underscore that the continued refusal to appoint candidates exonerated by courts of competent jurisdiction amounts to a jurisprudential anomaly that warrants unambiguous eradication. The Constitution does not countenance penal consequences in the absence of a subsisting conviction, nor shall this Court.

20. Office is directed to transmit a copy of this Order to the Inspector General of Police, Sindh, for compliance and record.

JUDGE

JUDGE