

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C.P. No.D- 3476 of 2012**

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| <b>Date</b> | <b>Order with signature of Judge</b> |
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**Present**

**Mr. Justice Muhammad Ali Mazhar**

**Mr. Justice Abdul Ghani Soomro**

Syed Faheem Ali Shah & another ..... Petitioners

V E R S U S

Government of Sindh & others ..... Respondents

**Date of hearing 07.09.2016**

Syed Amir Ali Shah Jilani advocate for petitioners.

Mr. Abdul Jalil Zubedi A.A.G

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**Muhammad Ali Mazhar, J:** The case of the petitioners is that they applied for the post of P.S.T. against the publication made in the newspapers on 26.09.2009. They appeared in the test and according to them secured more than 60% marks. The grievance of the petitioners is that despite declaring successful in the test, the Respondent No.2 in utter disregard prepared own merit list in arbitrary manner and the persons who secured lesser marks were included in the merit list by adding marks in their result. The petitioners in para-7 have also given the reference of constitution petitions i.e. C.P No.D-1218 of 2010 and 142 of 2010 allowed by this court earlier in the identical matters.

2. Learned A.A.G. argued that the process was completed in the year 2009 but the petition has been filed in the year 2012

which is hit by laches. Secondly, he argued that disputed questions of facts cannot be decided in the writ jurisdiction which otherwise require evidence. He also attached a copy of order passed by the Apex Court in Civil Petition No. 186-K of 2013 with the comments of Respondent No.2 to show that in similar controversy, the Apex Court has dismissed the petition on the ground of laches.

3. We have heard the arguments. It is a matter of record that the process was completed in the year 2009 and the petition has been filed in the month of September, 2012. At this stage, the reference of two earlier cases of this court is irrelevant as according to the petitioners, they have themselves mentioned in para-7 that these two petitions were filed in the year 2010 and apparently there was no issue of laches as the process was completed in the end of year 2009 and the petitions were filed in the year 2010. The petitioners have also raised some disputed question of facts that the persons who secured lesser marks were appointed with some manipulation in their answer sheets which cannot be decided at this stage in the writ jurisdiction. The petitioners came to this court after an inordinate delay and failed to approach this court within reasonable period of time. Since this petition is clearly hit by laches, therefore, it is dismissed. However, if any new process is started for the recruitment, the petitioners may apply.

JUDGE

JUDGE

