

IN THE HIGH COURT OF SINDH KARACHI

Present:-

Mr. Justice Syed Hassan Azhar Rizvi

Mr. Justice Adnan-ul-Karim Memon

1. C.P. No.D-447/2011

Muhammad Ilyas and 3 others Petitioners

Versus

Province of Sindh and others ... Respondents

2. C.P. No.D-448/2011

Khalid Inayat and others Petitioners

Versus

Province of Sindh and others ... Respondents

3. C.P. No.D-3663/2010

Muhammad Rafiq Jagirani Petitioner

Versus

Province of Sindh and others ... Respondents

4. C.P. No.D-2423/2012

Muhammad Ali Petitioner

Versus

Province of Sindh and others ... Respondents

Date of hearing: 14.11.2017

Mr. Abdul Salam Memon, Advocate for the Petitioners in C.P. No. D-447 and 448 of 2011 and Advocate for one of the applicant/intervener in C.P No.D-448 of 2011

Mr. Naseer Ahmed Khan, Advocate for the Intervener in C.P No.D-447 of 2011.

Mr. Abdul Jalil Zubedi, AAG along with DSP Raza Mian for respondent No.2 and DSP Raja Azhar, Larkana Headquarter on behalf of DIG Larkana/respondent No.4.

JUDGMENT

ADNAN-UL-KARIM MEMON-J. All the above referred Constitutional Petitions are being disposed of by this common judgment as similar questions of law and facts are involved.

2. Brief facts of the case as averred in memo of the petitions are that the Petitioners in response to the Public Notice published in 'Daily "Jang" Karachi dated 04.05.1995, submitted applications for the post of Assistant Sub Inspector (ASI) in Sind Police for Larkana Division (the then Sukkur Range). The Petitioners have averred that they qualified in written as well as physical test conducted on 16.7.1995 by the Selection Board consisted of the then Regional Police Officer (RPO Sukkur Region). Petitioners further added that their names were included in the list of qualified candidates for the post of ASI and they were subsequently called before the Selection Board, headed by Deputy Inspector General (DIG) of Police, Larkana, where they appeared along with documents / certificates and qualified in the interview also, but despite of that the Respondents did not issue them offers letter for appointment. The Petitioners asserted that they filed C.P. No. D- 51 of 2006 before the Circuit Court at Larkana of this Court, which, along with other connected petitions were transferred to the Principal Seat at Karachi and office renumbered the petitions as C.P. No. D-871 to 925 & 2246 of 2008. In all the petitions, the Petitioners sought directions to the Respondents to issue them appointment orders for the post of ASI on the premise that they were declared eligible and

successful candidates as per written test and interview conducted by the Selection Board on 16.7.1995. The Petitioners further averred that this Court allowed the above referred Constitutional Petitions vide common Judgment dated 24.12.2008 with directions to the Respondents to see whether the Petitioners were physically fit for the post of ASI and if they were found fit, then issue offer letter for appointment to them within thirty (30) days. Petitioners further added that the Government of Sind impugned the judgment dated 24.12.2008 passed by this Court in the above referred Constitutional Petitions before the Hon'ble Supreme Court of Pakistan in Civil Appeals Nos. 57-K, 58-K, 60-K to 97-K & 99-K to 108-K of 2009 and the said Appeals were disposed of vide Order dated 02.02.2010 that a Committee consisting of Bashir Ahmed Memon, Chairman, Sanaullah Abbasi, Member, and Abdul Khaliq Sheikh, Member, all DIGs, be constituted to enquire into the matter, including verification of the documents and arranging physical test of the Petitioners to decide their cases accordingly. The Committee so constituted was also directed to complete the process of verification of the documents, conducting physical test of the Petitioners followed by the interview and decide their cases accordingly within a period of 60 days and submit report to the Honourable Supreme Court of Pakistan. The Provincial Police Officer/Secretary to the Government of Sindh vide his order dated 05.3.2010 made it clear that the cases of the Petitioners would be decided by the Committee on merits as per prescribed rules. The Petitioners further averred that the Committee after completing the task as per directions of the Honorable Supreme Court vide consent

Order in the above referred petitions, submitted its report on 02.06.2010, wherein, among others, it was mentioned that the documents of the Petitioners were declared to be fake and unsuccessful in physical test and interview; hence, they were shown as unsuccessful candidates for appointment as ASIs. The Petitioners being aggrieved by and dissatisfied with the impugned Report dated 02.06.2010 of the Committee, approached this Court through instant petitions.

3. During pendency of the instant petitions, Mr. Abdul Salam Memon advocate and Mr. Naseer Ahmed Khan advocate also filed applications under Order 1 Rule 10 CPC on behalf of Shaukat Ali son of Khuda Buksh and Naeem Ahmed son of Khan Muhammad to become party / interveners in the present proceedings.

4. Upon notice, the Official Respondents filed para-wise comments and denied the allegations, however, private Respondents in C.P. No. D-3663/2010 did not file comments and chosen to remain absent inspite of service upon them.

5. Mr. Abdul Salam Memon, learned Counsel for the Petitioners contended that the claim of the Petitioners was genuine and the Respondents wrongly declared them unfit/unsuccessful candidates on the premise that the documents of the Petitioners were found to be fake without ascertaining the same through cogent evidence, thus the purported report of the Committee the word "not entertained" were mentioned against the names of each Petitioners without assigning any valid reason. He disagreed with the result of

physical tests and interviews also whereby the Petitioners (07 candidates) were declared unfit/unsuccessful for the post of ASI and stated that the recommendations of the Committee were against basic spirit of law and the Petitioners were denied their legal and vested right, which accrued to them and the Articles 4, 8, 9, 10-A and 25 of the Constitution of Islamic Republic of Pakistan 1973 were violated. Learned counsel for the Petitioners while referring to the CP.No.D-266 of 2009, pointed out that Respondents No. 17 and 18 in C.P. No.D-3663/2010 namely Manshad Ali son of Abdul Ghani Kalwar and Haq Nawaz son of Muhammad Essa Kalwar of District Ghotki were declared failed by the Committee and subsequently they were appointed as ASI vide Office Orders No. OB/-577/2010, No. OB/578/2010 Ghotki dated 09.07.2010. Learned counsel further pointed out that candidates Manzoor Ali, obtained 27 marks, Lutfullah and Shahid Hussain were declared failed in the test and interview conducted by the Selection Committee, but they were issued offers/appointment letters on 20.09.2010. He further argued that it was discriminatory that this Court directed the Petitioners to show whether they qualified or failed; whereas, the Petitioners in CP. No. D-266 of 2009 and C.P. No.D-273 of 2009 were issued Appointment Letters on 19.7.2010 & 29.07.2009 for the post of ASI, who had failed in the recruitment process, despite the fact that the documents of two candidates were found forged and the Hon'ble Supreme Court also did not scrape results of written test and interview conducted by that Selection Committee and the Civil Review Petition 19-K and 20-K of 2010 arising out of Civil Petitions No. 103-K and 104-K of 2010 were

withdrawn by the Government of Sind vide statement of learned Advocate General Sindh being time barred by 155 days. He concluded that case of the Petitioners is on better footing and they are entitled to the similar treatment as given by this Court in the above referred Constitutional Petitions and prayed for allowing the instant Petitions. Learned counsel for the petitioners in support of his contention has relied upon the case of Muhammad Rafi and others v. Federation of Pakistan and others (2016 SCMR 2146) and argued that no action had been taken by the Competent Authority against the persons, who were involved in the process of recruitment of the Petitioners in the year 1994-95.

6. Mr. Abdul Jalil Zubedi learned AAG, while giving brief history of the case, asserted that in the year 1994-95 advertisement was published in various newspapers for recruitment against 125 posts of Assistant Sub Inspector (ASIs) in Sind Police (Sukkur Region). The Selection Board conducted physical and written tests and interviews and offers for appointment were issued to the successful candidates. But, in some cases codal formalities were ignored and some candidates filed Constitutional Petitions before this Court, which were allowed by this Court vide judgment dated 24.12.2008 and the Government of Sindh impugned the judgment before the Hon'ble Supreme Court through Civil Appeals Nos. 57-K, 58-K, 60-K to 97 K & 99-K to 108-K of 2009. The Honorable Supreme Court disposed of the Appeals filed by the Government of Sind vide consent Order dated 02.02.2010 that a Committee of three DIGs. discussed supra would be constituted to verify the documents of

the candidates, conduct physical test and interviews of the Petitioners for the post of ASI and decide their cases within a period of 60 days. Accordingly, the Government of Sind constituted the Committee of three DIGs vide order dated 01.04.2010 to complete the process as directed by the Honorable Supreme Court. Per learned AAG, the Committee declared the Petitioners as failed in tests and interviews and their documents/interview letters were found fake and forged, therefore, their claim was not entertained. He further argued that entire exercise was conducted in pursuance of consent given by the Petitioners and Order passed by the Hon'ble Supreme Court of Pakistan, therefore, this Court has no jurisdiction to entertain the instant Constitutional Petitions against the findings of the Committee. He further argued that if the Petitioners are aggrieved by the Committee Report dated 02.06.2010; they may approach the Hon'ble Supreme Court. Learned AAG refuted the claim of the Petitioners and argued that the Petitioners in CP. No. D-266 of 2009 and C.P. No.D-273 of 2009 were issued appointment letters on 19.7.2010 & 29.07.2009 for the post of ASI, who had failed in the recruitment process and that has been done in compliance with the Order dated 07.07.2009 passed by this Court in the above refereed Constitutional Petitions; that the Province of Sind and others assailed the above said Judgment passed by this Court in C.P. No.D-266 of 2009 and C.P. No. D-273 of 2009 before the Honorable Supreme Court of Pakistan in Civil Petitions No. 103-K and 104-K of 2010 and leave was refused vide Order dated 26.03.2010 being barred by 155 days, that despite of the fact that the documents of two candidates namely Manshad Ali

son of Abdul Ghani Kalwar and Haq Nawaz son of Muhammad Essa Kalwar of District Ghotki were found forged and they were failed in the recruitment process. Learned AAG admits that three Members Bench of the Hon'ble Supreme Court vide Order dated 2.2.2010 had already issued directives that a Committee of three DIGs be constituted to verify the documents of all candidates including the private Respondents in C.P. No.D-3663/2010, therefore the Order passed by this Court in C.P. No.D-266 of 2009 and C.P. No. D-273 of 2009 is per incuriam, in the light of Order dated 2.2.2010 passed by the Honorable Supreme Court and sought permission to take appropriate measures in accordance with law against those candidates, who failed in the recruitment process and their documents were found fake by the Committee and succeeded in obtaining appointment orders for the post of ASIs. Having explained his position as such, he prayed for dismissal of the instant petitions.

7. During pendency of these Petitions, this Court issued various notices to all concerned, including the Petitioners and private Respondents in C.P. No.D-3663/2010, and the same were served upon them.

8. We have heard learned counsel for the parties and perused the material available on record with their assistance as well as the case law relied upon by the learned Counsel for the Petitioners.

9. The moot point involved in the present proceedings is as to whether a Committee constituted in pursuance of judgment of the

Honorable Supreme Court discussed supra has a mandate to declare the documents/interview letters of the Petitioners after scrutiny as fake.

10. Record of recruitment process for the post of ASIs for the year 1994-95 was summoned by this Court. Learned AAG pursuant to Order passed by this Court on 23.10.2014, submitted two folders which, also contain list of Petitioners, whose claim was not entertained by the Committee vide report dated 02.06.2010 and upon perusal, it reveals that this Court allowed the petitions of the Petitioners in earlier round of litigation vide common Judgment dated 24.12.2008, by following the rule of consistency, with the directions to the Official Respondents to see if the Petitioners were physically fit for the post of ASI, then issue them offer letters for appointment within thirty (30) days. The Government of Sind impugned this Judgment dated 24.12.2008 before the Honorable Supreme Court of Pakistan in Civil Appeals Nos. 57-K, 58-K, 60-K to 97 K & 99-K to 108-K of 2009. The same Appeals were disposed of by consent vide Judgment dated 02.02.2010 with the followings directions:-

“Be that as it may in the instant cases, we are confronted with a situation where the respondents have also been directed to be appointed by the learned High Court as ASIs against those vacancies, advertised in the year 1994-95, subject to the condition of their physical fitness. In the instant appeals, the grievance of the appellants is that interview letters have not been issued validly, the respondents have not qualified the interview examination and in some of the cases even no interview letter has been issued, therefore, it is not possible for the appellants to allow such respondents for the purpose of appointment. When we have inquired from the learned Additional Advocate General as to whether record has been maintained in respect of those candidates inclusive

of respondents who qualified the written test etc.; he states that the matter pertains to the years 1994-95 therefore, record is not available either with Larkana Range or Sukkur Range. His contention is that without verification of interview letters available with respondents if the same are genuine or otherwise and without examining cases of those candidates / respondents who are not in possession of any documents but they claim that their names were mentioned in the list, it will not be appropriate to proceed in the matter, therefore the police department be allowed to undertake an exercise in order to find out the truth and then to proceed to issue appointment letters subject to qualifying the requisite test/interview by the respondents. We have also noted that about 37 respondents hold interview letters inviting them for interview as stated thereinabove, however, these letters prima-facie give an impression raising a question whether the same were bonafidely issued. Therefore, these letters require to be verified by the police department to know that they were validly issued. At the same time, these respondents have also to qualify the test showing that they are physically fit to hold the posts of ASIs. In view of this situation, learned Additional Advocate General, Sindh has made the following proposal to which learned counsel appearing for the respondents have agreed:

“We under the instructions of IG Police Sindh suggest that the committee consists of Mr. Bashir Ahmed Memon, Mr. Sanaullah Abbasi and Mr. Abdul Khaliq Sheikh, all DIGs, be constituted to inquire letters and verify the documents and recommend the appointments.”

The above statement has been signed by Mr. Abdul Fateh Malik, learned Additional Advocate General, Sindh Mr. Tahir Naveed, DIGP (Establishment), Mr. Anwar Subhani, AIGP (Legal), Mr. N.C. Motiani, learned ASC and Mr. Shabbir Shar , learned ASC. It is agreed that the appeals be disposed of in the above terms.

As the above-submitted proposal is acceptable to both the sides, we are inclined to dispose of all the titled appeals in terms thereof. The Committee so constituted is directed to complete the process of verification of the documents and thereafter interview the candidates for the post of ASIs and also arrange their physical test for the purpose of holding the said posts within a period of 60 days. However, the arrangement shall only be applicable in the cases of the respondents and if there is any other petitions pending before the High Court that shall be disposed of independently but the Court shall not be precluded from accepting this arrangement, if it is consented by the parties.

All the titled appeals are accordingly disposed of with the above modification in the impugned order dated 24.1.2008 issued by the High Court, leaving the parties to bear their own costs.”(Emphasis added)

11. The Committee comprising of the above officers undertook an exercise in order to find out the truth, the process of verification of the documents of the Petitioners were done, as the issuing of appointment letters to the Petitioners were subject to the qualification of the requisite test/interview. The Committee after completing the task as per directives of the Honorable Supreme Court in the above referred Civil Appeals, submitted its report on 02.06.2010, the same has been placed on record by the learned AAG.

12. We have gone through the Committee report, which prima-facie contains the following recommendations:-

COMMITTEE REPORT

“In pursuance of Honourable Supreme Court Order dated 03.03.2010 (Annexure A) page No. from 01 to 07), a Committee comprising of the following officers was constituted by the orders of worthy Provincial Police Officer, Sindh, Karachi, vide order No. AIG/OPS/292328/2010, Karachi, dated 01.04.2010 (Annexure–B page No. 46).

01. Mr. Bashir Ahemd Memon, PPM. PSF, (Chairman)
Commandant/DIGP SRP & ‘Security,
Sindh Karachi

02. Mr. Abdul Khaliq Shaikh, PSP, (Member)
DIGP/ South Zone, CCP, Karachi

03. Mr. Sanaullah Abbasi, (Member)
DIGP/ Larkana

Brief History

2. In the year 1994-95, 125 posts of ASIs were advertised in daily newspapers. Selection Boards conducted physical, written tests and held interview, resultantly appointment orders were issued, but in some cases codal formalities were ignored.

3. Later on, some ignored candidates filed petitions in Honorable Courts. Honorable Supreme Court, while disposing the appeals issued order dated on 24.12.2008.

4. Para-7 of order reads

“The Committee so constituted is directed to complete the process of verification of the documents and thereafter interview the candidates for the post of ASIs and also arrange their physical test for the purpose of holding the said posts within a period of 60 days.”

PROCEEDINGS.

5. The Committee held its 1st meeting on 12.03.2010 in the office of the DIGP/SRP & Security Sindh Karachi and discussed the issue in detail, chalked out a strategy and issued letters to petitioners (Annexure-“C”page 47 to 49) to appear and produce documents for verification. Besides this, advertisements were also published in Daily Jung, Qoami, Ibrat and Kawish (Annexure-D page No. from 50 to 56).

6. 2nd meeting of the Committee was held on 22.03.2010 at the above venue, 86 petitioners (list of petitioners at Annexure- E page No. from 57 to 60), appeared alongwith documents.

7. On 24.03.2010, letters for physical test & interview call letters were issued to petitioners (Annexures –F --pages 19 to 22) to appear at Police Training Centre (PTC) Saeabad, Karachi, on 06.04.2010.

8. Committee conducted physical test at PTC Saeabad on 06.04.2010, where 086 Candidates appeared.

9. They produced documents before the Committee, which dug out a few documents from the old record of DIGP Office Larkana, DPO/ Office, Larakana, DPO/Office, Sukkur, DPO/Office, Khairpur, DPO/Officer, Naushero, DIGP/Officer Ghotki, DPO/Shahid Benazirabad, DIGP/Office Mirpurkhas, which were of great help in probing into the matter and reaching to a just conclusion (Annexure- “G” Page No. from 61 to 579) **and as a result of which, claim of 25 candidates was not entertained as interview letters were found fake. (Annexure –H Page No. from 580 to 581).**

10. **Interviews were held in the office of the DIGP/SRP on 07.04.2010 and after thorough examination / verification of documents, conducting physical test and holding interviews, 07 candidates/petitioners (Annexure-I page No. 582 and 54) failed** and those whose documents were found genuine candidates and passed test too are listed in Annexure- J page No. from 583 to 585.

RECOMMENDATION

Following are the recommendations of the Board.

- a) Conditional appointment letter should be issued to passed candidates that he/ they will not claim seniority or any such relief on the basis of process of appointment of 1994/95.
- b) Character/ antecedents verification be carried out through concerned Agencies before issuing appointment letters.
- c) Proper medical check-up should be carried out.

13. We have noted that as per directions of the Honorable Supreme Court, the mandate of the Committee was not limited but it was directions to the Committee to complete the process of verification of the documents and thereafter conduct physical test and interview of the candidates for the post of ASIs and for the purpose of holding the said posts. As per record, Committee conducted physical test of petitioners, but they failed. The documents/ interview letters produced before the Committee by the Petitioners, were found to be fake and those candidates, whose documents were found genuine and passed the test, were recommended for the post of ASIs.

14. Reverting to the plea raised by the learned Counsel for the Petitioners that they had already been declared successful candidates by the judgment of this Court, therefore, no exceptions to that extent can be taken into consideration.

15. We are of the view that in the earlier round of litigation, the Petitions filed by the Petitioners, were disposed of with the directions to the Respondents to see whether Petitioners were physically fit for the appointments against the posts in question and if they were found fit then issue offer letters for appointment for the post of ASIs after conducting their tests and interviews. Even otherwise, the judgment dated 24.12.2008 passed by this Court was impugned by the Government of Sindh before the Honorable Supreme Court of Pakistan in the above referred Civil Appeals, which were disposed of with the consent of the Petitioners/parties with the modification in the impugned Judgment dated 24.12.2008 passed by this Court. As such, the mandate of the Committee was to scrutinize the documents of each candidate, including Petitioners, thus the plea of the Petitioners, that they have been discriminated by declaring them failed and their documents were declared to be fake, is misconceived. However, we have noted that the documents submitted by the Petitioners in pursuance of the call letters issued to them by the Committee, they submitted their documents/ interview call letters, which were later on found to be fake, as per statement filed by the learned AAG on 05.06.2015 along with reply of objection filed by the Petitioners on 15.05.2015. So question arises as to whether a candidate, who is seeking appointment order on the basis of fake and forged document/ interview call letter can be considered for appointment of a Government job, particularly in police force,

which is a Disciplined Force and maintain the law and order situation in the Province. Certainly, the answer is negative.

16. Insofar as the second plea taken by the learned Counsel for the Petitioners that the colleagues of the Petitioners, namely Manshad Ali and Haq Nawaz, who failed in the test and interview and their documents were also found to be fake and inspite of that they were issued offers letter for appointment is concerned, suffice it to say that this Court cannot travel into the merits of those cases of the candidates in the present Petitions, as the learned Division Bench this Court vide order dated 07.07.2009, passed the following order in C.P. No. D-266 of 2009 and C.P. No. D-273 of 2009:-

“The decision of the learned Division Bench in Constitution Petition No. D-871/2008 also dilated upon other petitions in respect of similar facts noted as under:-

It appears that in other Cons. Petitions bearing C.P. No. D-1212 of 1996 and D-1269 of 1996, a Division Bench of this Court after hearing the parties directed respondent No.4 to issue appointment letters to the petitioners. Another petition bearing C.P. No. D-273 was filed at Larkana Circuit Bench was granted on 14.02.2002. The Hon’ble Supreme Court upheld the order passed on 09.02.2004, it also appears from record that petitions filed in the year 2001 were granted on 15.02.2006 against which petitions for leave to appeal were filed before the Hon’ble Supreme Court and leave to appeal was not granted on 27.10.2006.

Since leave to appeal filed by the Province of Sindh and others against the earlier aforementioned judgment of the Division Bench of this Court was refused by the Hon’ble Supreme Court, we following the rule of consistency and being bound by the judgment of another Division Bench of this Court declare that the refusal of the respondents to appoint the petitioners as ASI in Police Department was without lawful authority and of no legal effect. We accordingly direct the respondents to issue

appointment orders/ letters to the Petitioners as ASI of Police having been selected on merit as the petitioners have qualified all the test and fulfilled the conditions prescribed in the advertisements as per rules and by-laws.

17. The Province of Sindh and others assailed the above said Order passed by this Court in C.P. No. D-266 of 2009 and C.P. No. D-273 of 2009 before the Hon'ble Supreme Court of Pakistan in Civil Petitions No. 103-K and 104-K of 2010 where leave was refused vide Order dated 26.03.2010 in the following terms:-

“Considering the fact that both these petitions are barred by 155 days learned Advocate General Sindh candidly seeks permission to withdraw these petitions. Such request is granted. Dismissed as withdrawn.”

18. The Province of Sindh filed Civil Review Petitions No. 19-K and 20-K 2010, which were also dismissed vide Order dated 15.06.2010 passed by the Hon'ble Supreme Court. As such the plea raised by the learned Counsel for the Petitioners is not tenable in the eyes of law on the premise this Court cannot review the order dated 07.07.2009 passed by the learned Division Bench this Court in C.P. No. D-266 of 2009 and C.P. No. D-273 of 2009.

19. At this juncture, it may be observed that the parties to the proceedings in the earlier round of litigation, did not provide proper assistance to the Honorable Supreme Court in Civil Petitions No. 103-K and 104-K of 2010 that learned three Member Bench of Hon'ble Supreme Court in Civil Appeals Nos. 57-K, 58-K, 60-K to 97-K and 99-K to 108-K of 2009 had already passed a detailed Order dated 02.02.2010 by modifying the order passed by this

Court on 24.12.2008 in the C.P. Nos. D-871 to D-925 and D-2246 of 2008, which is a consent order, therefore, we refrain ourselves to dilate upon the cases of the two candidates referred to hereinabove though they were called by the Committee and their result was also announced and they were declared failed by the Committee constituted vide order 02.02.2010 passed by Honourable Supreme Court, but they took resort of their Petitions referred to hereinabove and succeeded in obtaining the appointment orders for the post of ASIs and it is for the Official Respondents to take appropriate measures in accordance with law.

20. During the course of arguments, learned AAG pointed out that in pursuance of Judgment dated 23.09.2014 passed by learned Division Bench of High Court of Sindh at Circuit Court Larkana in C.P No.D-418 and 2155 of 2010 and other connected petitions a committee comprising of three DIGs namely Dr. Jamil Ahmed (Chairman), Dr. Sanaullah Abbasi (Member) and Abdul Khaliq Shaikh (Member) were constituted by the order dated 17.12.2017 of Inspector General of Police. The Committee submitted report on 23.01.2015, which is available on record along with compliance report submitted by AIGP Legal on behalf of respondent No.2/ Inspector General of Police dated 15.04.2015. Perusal of second Committee report dated 23.01.2015 prima-facie shows as under:-

| Sr. No. | Name of Petitioner | Position |
|---------|--|--|
| 1 | Muhammad Ilyas S/o Dadan Khan In C.P No.D-447 of 2011 | <ul style="list-style-type: none"> • He appeared only in physical test At Sr. No.134. • The DIGP Larkana Range issued call letter No.E-1/19112-14 dated 04.10.1995 to the candidates to appear in viva voce test in DIGP Office, Larkana on 10.10.1995 in which his name does not exist. • He was considered in the committee headed by Mr. Bashir Ahmed Memon, PPM, PSP commandant/DIGP SRP & Security, Sindh Karachi at PTC Saheedabad Karachi in which his claim was not entertained by the committee vide letter No.SRP/PDR/5861-70 dated 02.06.2010. • Earlier committee was also held under the chairmanship of DIGP |

| | | |
|---|--|---|
| | | Training Sindh Karachi in which his case was not considered by the committee on the grounds that his case was already rejected by the previous committee vide DIGP Training Sindh Karachi letter No.11367-74/DIGP/TRG/Court matter dated 23.01.2015. |
| 2 | Nazim Ali S/o Nazeer Hussain in C.P No.D-447/2011 | <ul style="list-style-type: none"> The office record shows that his name does not exist in physical test. The DIGP Larkana Range issued call letter No.E-I/19112-14 dated 04.10.1995 to the candidates to appear in viva voce test in DIGP Office, Larkana on 10.10.1995 in which his name does not exist. He managed fake interview call letters neither readable nor traceable. His case was considered in the committee headed by Mr. Bashir Ahmed Memon, PPM, PSP commandant/DIGP SRP & Security, Sindh Karachi at PTC Saeedabad Karachi in which his claim was not entertained by the committee vide letter No.SRP/PDR/5861-70 dated 02.06.2010. Earlier committee was also held under the chairmanship of DIGP Training Sindh Karachi in which his case was not considered by the committee on the grounds that his case was already rejected by the previous committee vide DIGP Training Sindh Karachi letter No.11367-74/DIGP/TRG/Court matter dated 23.01.2015. |
| 3 | Barkat Ali S/o Ali Muhammad Pirzado In C.P No.D-447/2011 | <ul style="list-style-type: none"> He appeared only in physical test At Sr. No.174. The DIGP Larkana Range issued call letter No.E-I/19112-14 dated 04.10.1995 to the candidates to appear in viva voce test in DIGP Office, Larkana on 10.10.1995 in which his name does not exist. He was considered in the committee headed by Mr. Bashir Ahmed Memon, PPM, PSP commandant/DIGP SRP & Security, Sindh Karachi at PTC Saeedabad Karachi in which his claim was not entertained by the committee vide letter No.SRP/PDR/5861-70 dated 02.06.2010. Earlier committee was also held under the chairmanship of DIGP Training Sindh Karachi in which his case was not considered by the committee on the grounds that his case was already rejected by the previous committee vide DIGP Training Sindh Karachi letter No.11367-74/DIGP/TRG/Court matter dated 23.01.2015. |
| 4 | Abdul Ghafoor S/o Abdul Qayoom Jagirani | <ul style="list-style-type: none"> He appeared only in physical test At Sr. No.28. The DIGP Larkana Range issued call letter No.E-I/19112-14 dated 04.10.1995 to the candidates to appear in viva voce test in DIGP Office, Larkana on 10.10.1995 in which his name does not exist. His case was considered in the committee headed by Mr. Bashir Ahmed Memon, PPM, PSP commandant/DIGP SRP & Security, Sindh Karachi at PTC Saeedabad Karachi in which his claim was not entertained by the committee vide letter No.SRP/PDR/5861-70 dated 02.06.2010. Earlier committee was also held under the chairmanship of DIGP Training Sindh Karachi in which his case was not considered by the committee on the grounds that his case was already rejected by the previous committee vide DIGP Training Sindh Karachi letter No.11367-74/DIGP/TRG/Court matter dated 23.01.2015. |
| 5 | Khalid Inayat S/o Inayatullah Jagirani In C.P No.D-448/2011 | <ul style="list-style-type: none"> He appeared only in physical test At Sr. No.26. The DIGP Larkana Range issued call letter No.E-I/19112-14 dated 04.10.1995 to the candidates to appear in viva voce test in DIGP Office, Larkana on 10.10.1995 in which his name does not exist. He produced fake interview call letter for the post of ASI bearing No.Eo/Estt/13372 dated 07.11.1995, whereas, this letter belongs to Aziz Ahmed. His case was considered in the committee headed by Mr. Bashir Ahmed Memon, PPM, PSP commandant/DIGP SRP & Security, Sindh Karachi at PTC Saeedabad Karachi in which his claim was not entertained by the committee vide letter No.SRP/PDR/5861-70 dated 02.06.2010. Earlier committee was also held under the chairmanship of DIGP Training Sindh Karachi in which his case was not considered by the committee on the grounds that his case was already rejected by the previous committee vide DIGP Training Sindh Karachi letter No.11367-74/DIGP/TRG/Court matter dated 23.01.2015. |
| 6 | Bilal-ur-Rasool S/o Muhammad Qasim Bughio in C.P No.D-448/2011 | <ul style="list-style-type: none"> This office record shows that his name does not exist in physical list/test. The DIGP Larkana Range issued call letter No.E-I/19112-14 dated 04.10.1995 to the candidates to appear in viva voce test in DIGP Office, Larkana on 10.10.1995 in which his name does not exist. He produced fake interview call letter for the post of ASI bearing No.Eo/Estt/28798 dated 07.11.1995, whereas this letter belongs to SHO PS Market and petitioner belongs to PS Fatehpur. His case was considered in the committee headed by Mr. Bashir Ahmed Memon, PPM, PSP commandant/DIGP SRP & Security, Sindh Karachi at PTC Saeedabad Karachi in which his claim was not entertained by the committee vide letter No.SRP/PDR/5861-70 dated 02.06.2010. Earlier committee was also held under the chairmanship of DIGP Training Sindh Karachi in which his case was not considered by the committee on the grounds that his case was already rejected by the previous committee vide DIGP Training Sindh Karachi letter No.11367-74/DIGP/TRG/Court matter dated 23.01.2015. |
| 7 | Barkat Ali Shaikh S/o Nawab Ali Shaikh In C.P No.D-448/2011 | <ul style="list-style-type: none"> This office record shows that his name does not exist in physical test. The DIGP Larkana Range issued call letter No.E-I/19112-14 dated 04.10.1995 to the candidates to appear in viva voce test in DIGP Office, Larkana on 10.10.1995 in which his name does not exist. His case was considered in the committee headed by Mr. Bashir Ahmed Memon, PPM, PSP commandant/DIGP SRP & Security, Sindh Karachi |

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| | | <p>at PTC Saeedabad Karachi in which his claim was not entertained by the committee vide letter No.SRP/PDR/5861-70 dated 02.06.2010.</p> <ul style="list-style-type: none"> • Earlier committee was also held under the chairmanship of DIGP Training Sindh Karachi in which his case was not considered by the committee on the grounds that his case was already rejected by the previous committee vide DIGP Training Sindh Karachi letter No.11367-74/DIGP/TRG/Court matter dated 23.01.2015. |
| 8 | Allah Dad S/o Arbab Ali Leghari in C.P No.D-448/2011 | <ul style="list-style-type: none"> • He appeared only in physical test At Sr. No.291. • The DIGP Larkana Range issued call letter No.E-I/19112-14 dated 04.10.1995 to the candidates to appear in viva voce test in DIGP Office, Larkana on 10.10.1995 in which his name does not exist. • He produced fake interview call letter for the post of ASI bearing No.Eo/Estt/28971 dated 07.11.1995, name does not exist in outward register. • He was considered in the committee headed by Mr. Bashir Ahmed Memon, PPM, PSP commandant/DIGP SRP & Security, Sindh Karachi at PTC Saeedabad Karachi in which his claim was not entertained by the committee vide letter No.SRP/PDR/5861-70 dated 02.06.2010. • Earlier committee was also held under the chairmanship of DIGP Training Sindh Karachi in which his case was not considered by the committee on the grounds that his case was already rejected by the previous committee vide DIGP Training Sindh Karachi letter No.11367-74/DIGP/TRG/Court matter dated 23.01.2015. |
| 9 | Abdul Hussain S/o Dad Muhammad Khan Wadho | <ul style="list-style-type: none"> • From perusal of physical list of candidates in which his name does not exist. • The DIGP Larkana Range issued call letter No.E-I/19112-14 dated 04.10.1995 to the candidates to appear in viva voce test in DIGP Office, Larkana on 10.10.1995 in which his name does not exist. • He produced fake interview call letter for the post of ASI bearing No.Eo/Estt/28998 dated 07.11.1995, whereas, this letter belongs to charge sheet issued to HC/Aurangzaib of PS Market. • His case was considered in the committee headed by Mr. Bashir Ahmed Memon, PPM, PSP commandant/DIGP SRP & Security, Sindh Karachi at PTC Saeedabad Karachi in which his claim was not entertained by the committee vide letter No.SRP/PDR/5861-70 dated 02.06.2010. • Earlier committee was also held under the chairmanship of DIGP Training Sindh Karachi in which his case was not considered by the committee on the grounds that his case was already rejected by the previous committee vide DIGP Training Sindh Karachi letter No.11367-74/DIGP/TRG/Court matter dated 23.01.2015. |
| 10 | Muhammad Ibrahim S/o Iqbal Ahmed Bughio in C.P No.D-448/2011 | <ul style="list-style-type: none"> • This office record shows that his name does not exist in physical test. • The DIGP Larkana Range issued call letter No.E-I/19112-14 dated 04.10.1995 to the candidates to appear in viva voce test in DIGP Office, Larkana on 10.10.1995 in which his name does not exist. • He produced fake interview call letter for the post of ASI bearing No.Eo/Estt/28751 dated 07.11.1995, whereas this letter belongs to SHO PS Mahotta as petitioner belongs to PS Fatehpur. • His case was considered in the committee headed by Mr. Bashir Ahmed Memon, PPM, PSP commandant/DIGP SRP & Security, Sindh Karachi at PTC Saeedabad Karachi in which his claim was not entertained by the committee vide letter No.SRP/PDR/5861-70 dated 02.06.2010. • Earlier committee was also held under the chairmanship of DIGP Training Sindh Karachi in which his case was not considered by the committee on the grounds that his case was already rejected by the previous committee vide DIGP Training Sindh Karachi letter No.11367-74/DIGP/TRG/Court matter dated 23.01.2015. |
| 11 | Munawar Ali S/o Mir Hussain Bhatti. | <ul style="list-style-type: none"> • He appeared only in physical test At Sr. No.79. • The DIGP Larkana Range issued call letter No.E-I/19112-14 dated 04.10.1995 to the candidates to appear in viva voce test in DIGP Office, Larkana on 10.10.1995 in which his name does not exist. • He produced fake interview call letter for the post of ASI bearing No.Eo/Estt/29165 dated 08.11.1995, whereas this letter belongs to Masood Nawaz. • His case was considered in the committee headed by Mr. Bashir Ahmed Memon, PPM, PSP commandant/DIGP SRP & Security, Sindh Karachi at PTC Saeedabad Karachi in which his claim was not entertained by the committee vide letter No.SRP/PDR/5861-70 dated 02.06.2010. • Earlier committee was also held under the chairmanship of DIGP Training Sindh Karachi in which his case was not considered by the committee on the grounds that his case was already rejected by the previous committee vide DIGP Training Sindh Karachi letter No.11367-74/DIGP/TRG/Court matter dated 23.01.2015. |
| 12 | Mumtaz Ali Jagirani S/o Deen Muhammad Jagirani in C.P No.D-448/2011 | <ul style="list-style-type: none"> • He appeared only in physical test At Sr. No.389. • The DIGP Larkana Range issued call letter No.E-I/19112-14 dated 04.10.1995 to the candidates to appear in viva voce test in DIGP Office, Larkana on 10.10.1995 in which his name does not exist. • He produced fake interview call letter for the post of ASI bearing No.Eo/Estt/29182 dated 10.11.1995, whereas this letter belongs to Muhammad Nawaz. • His case was considered in the committee headed by Mr. Bashir Ahmed Memon, PPM, PSP commandant/DIGP SRP & Security, Sindh Karachi at PTC Saeedabad Karachi in which his claim was not entertained by the committee vide letter No.SRP/PDR/5861-70 dated 02.06.2010. • Earlier committee was also held under the chairmanship of DIGP Training Sindh Karachi in which his case was not considered by the |

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| | | committee on the grounds that his case was already rejected by the previous committee vide DIGP Training Sindh Karachi letter No.11367-74/DIGP/TRG/Court matter dated 23.01.2015. |
| 13 | Muhammad Rafiq Jagirani S/o Ali Hassan in C.P No.D-2663/2010 | <ul style="list-style-type: none"> • He was not appeared in physical test. • The DIGP Larkana Range issued call letter No.E-I/19112-14 dated 04.10.1995 to the candidates to appear in viva voce test in DIGP Office, Larkana on 10.10.1995 in which his name does not exist. • He produced fake interview call letter for the post of ASI bearing No.Eo/Estt/29789 dated 08.11.1995, whereas, this letter belongs to Zubair Ahmed. • His case was considered in the committee headed by Mr. Bashir Ahmed Memon, PPM, PSP commandant/DIGP SRP & Security, Sindh Karachi at PTC Saeedabad Karachi in which his claim was not entertained by the committee vide letter No.SRP/PDR/5861-70 dated 02.06.2010. • Earlier committee was also held under the chairmanship of DIGP Training Sindh Karachi in which his case was not considered by the committee on the grounds that his case was already rejected by the previous committee vide DIGP Training Sindh Karachi letter No.11367-74/DIGP/TRG/Court matter dated 23.01.2015. |
| 14 | Muhammad Ali S/o Aftab Ahmed Ahmadani in C.P No.D-2423/2012 | <ul style="list-style-type: none"> • He appeared in physical test At Sr. No.371. • The DIGP Larkana Range issued call letter No.E-I/19112-14 dated 04.10.1995 to the candidates to appear in viva voce test in DIGP Office, Larkana on 10.10.1995 in which his name does not exist. • He produced fake interview call letter for the post of ASI bearing No.Eo/Esst/29151 dated 07.11.1995, whereas this letter belongs to Mehboob Rasheed. • His case was considered in the committee headed by Mr. Bashir Ahmed Memon, PPM, PSP commandant/DIGP SRP & Security, Sindh Karachi at PTC Saeedabad Karachi in which his claim was not entertained by the committee vide letter No.9694-97 dated 16.08.2010. • Earlier committee was also held under the chairmanship of DIGP Training Sindh Karachi in which his case was not considered by the committee on the grounds that his case was already rejected by the previous committee vide DIGP Training Sindh Karachi letter No.11367-74/DIGP/TRG/Court matter dated 23.01.2015. |

20. Perusal of the Committee Report reveals that the interview letters and other documents pertaining to their alleged appointments for the post of ASIs, relied upon by the Petitioners were found to be fake and maneuvered documents as per comments filed by the Official Respondents, even otherwise, Police Department does not support the case of the petitioners and assert that the petitioners have obtained the forged interview letters fraudulently. Learned AAG argued that no sanctity can be attached to the respective interview letters and other documents produced by the Petitioners in their respective petitions.

21. Learned Counsel for the Petitioners during course of hearing emphasized that all the documents/ interview letters of the Petitioners regarding their appearance before the Committee are genuine, however, said assertions have been refuted by the learned

AAG, who stated that the documents furnished by petitioners are false and forged as reported by the Committee; as such, contention of the learned Counsel for the Petitioners is against the facts on record/findings of the Committee.

22. In the light of foregoing facts and circumstances of the case, we do not see any material irregularities, illegalities in the findings of the Committee comprising of three DIGs, which were based on thorough examination of the documents and antecedents of the Petitioners.

23. We find no justification to substitute our findings in place of the findings of the Committee. The Committee conducted the scrutiny of the documents of all the candidates including the Petitioners, therefore, at this juncture, we do not see any ostensible reasons to put false allegations against the Petitioners by the Committee or any discriminatory treatment was meted out with the Petitioners in the selection process referred to hereinabove.

24. We, on the basis of contention of the parties with material produced before us, have reached to the conclusion that the Petitioners were declared failed in the physical test conducted by the Competent Authority and the documents furnished by Petitioners have been declared false and forged by the Committee. Petitioners failed to place on record any cogent material/document with regard to the findings of the Committee to take the contrary view.

25. In absence of aforesaid material, the Petitioners have failed to make out a case for their appointment as ASI in Sindh Police. The entire case is based upon factual controversy, which cannot be adjudicated upon by this Court in exercising of its Constitutional jurisdiction.

26. The case law cited by the learned counsel for the Petitioners have no nexus with the case in hand is distinguished, so far as, facts and circumstances of the case are concerned.

27. In view of what has been discussed above, the instant Constitutional Petitions are dismissed along with pending application(s).

JUDGE

JUDGE