

*Order Sheet*

**IN THE HIGH COURT OF SINDH KARACHI**

**Constitutional Petition No. D – 6622 of 2019**

Before :

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

Javed Iqbal & 04 others V/S Home Department and 04 others.

Date of hearing  
& decision : 18.03.2020

Ms. Lubna A. Abbasi, advocate for the petitioners.

Mr. Hakim Ali Shaikh, Additional Advocate General along with Muhammad Habib, AIGP (Legal-II) and Raza Mian, DSP.

**ORDER**

The grievance of the petitioners is that their candidature for the post of Police Constable (BPS-05) has been rejected and they have been declared medically unfit on the basis of medical reports submitted by respondent No.5, wherein it was stated that they were suffering from Hepatitis B & C.

2. Ms. Lubna A. Abbasi, learned counsel for the petitioners, has contended that medical reports issued by private and independent laboratories in respect of the petitioners during the same period do not reflect any such ailment. This Court vide order dated 15.01.2020, directed for fresh medical test of the petitioners.

3. Mr. Hakim Ali Shaikh, learned Additional Advocate General, has placed on record fresh medical reports of three petitioners and their result has been found nonreactive he further submits that the medical reports received are being sent to Medical Superintendent, Police Hospital, Karachi, for scrutiny and report. He, however, states that the competent authority shall issue appointment letters to the petitioners whose medical tests have been found to be negative.

4. We have noticed that the petitioners namely Javed Iqbal son of Muhammad Iqbal, Sanauallah son of Habibullah, Noor Ahmed son of Muhammad Panah and Abdul Sattar son of Abbas Khan, were sent for Medical Fitness Certificates whether they are medically fit or otherwise, however, one petitioner namely Hafiz Muhammad Saleem son of Hafiz Muhammad Ashraf was called

absent, therefore, his medical / fitness could not be completed. Medical report of Abdul Sattar, Javed Iqbal and Sanullah is nonreactive, whereas petitioner Noor Ahmed's medical test is reactive. It is well-settled law that no candidate shall be appointed to a post unless, after such medical examination, such candidate is found medically fit to discharge the duties of the post. Therefore, petitioner Noor Ahmed is not entitled to any relief.

5. In view of the aforesaid position, the basic grievance of the petitioners has been redressed. Resultantly, the respondents are directed to issue appointment orders in favour of the petitioners namely Abdul Sattar, Javed Iqbal and Sanullah, within a period of 02 (two) weeks from the date of receipt of this order. As far as petitioner No.3 Hafiz Muhammad Saleem is concerned, who was absent at the time of medical test, his medical test may be conducted in terms of order dated 26.02.2020, and if he clears the said test, he may be issued appointment order within two (02) weeks from the date of the result of his medical test.

The petition stands disposed of in the above terms with no order as to costs.

**JUDGE**

**JUDGE**

Nadir\*