

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-7308 of 2019

Date

Order with signature of Judge

Before:-

Mr.Justice Muhammad Ali Mazhar

Mr.Justice Agha Faisal

Sabir AliPetitioner

V/s

The Project Manager (DSCE)

SIBA & others.Respondents

22-11-2019

Mr.Ali Ahmed Turabi, Advocate for the Petitioner.

Petitioner is also present.

Mr.Jawad Dero, A.A.G.

Mr.Abdul Razzaq, MIT-II is present.

Mr.Muhammad Iqbal Raja, C.O.C. District & Sessions
Court, Karachi Central is present.

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Muhammad Ali Mazhar, J: The case of the petitioner is that an advertisement was published on 22.04.2019 for the appointment on some posts in District & Sessions Court, Karachi Central. The petitioner applied for the post of Junior Clerk (BS-11). He qualified the test, but he could not qualify the interview and found unfit to that post. However, again on 24.8.2019 another advertisement was published and the petitioner applied for the post of Hardware & Network Technician (BS-14) and also for the post of Junior Clerk (BS-11). In both categories of employment the age limit was 21 to 25 years and admittedly at present the age of the petitioner is 27 years. Since the credentials of the petitioner was found beyond the prescribed age, his application was rejected, therefore, he could not be allowed to participate in the recruitment process.

2. Learned counsel for the petitioner refers to the Rule 7 of Sindh Judicial Staff Service Rules, 1992, proviso (ii) pertains to such person who has already served in some Government Department for last 03 years and for him upper age limit is 30 years. The matter was fixed on 18.11.2019 when the learned District & Sessions Judge, Karachi Central filed comments through MIT-II and learned counsel for the petitioner received the copy of comments and sought some time to argue the matter. On the last date, the Learned counsel for the petitioner on oral motion submitted that the examination are to be conducted on 24.11.2019, therefore, keeping in view the urgency in the matter we fixed the matter for today at 11:00 a.m. and also directed District & Sessions Judge, Karachi Central to depute their representative and also issue notice to learned MIT-II to be present.

3. The representative of District & Sessions Judge, Karachi Central submits that the examination has already been held on 17.11.2019 in D.J. Science College, Karachi, but the counsel for the petitioner submits that he had no information whereas the representative of District & Sessions Judge, Karachi Central submits that SIBA notified the date of test on their website and also communicated to the participants to appear in the examination. Since at this stage this petition has become infructuous as no opportunity can be given to the petitioner to appear in the examination which have already been conducted much earlier. The petitioner may apply for the next process if his age is found commensurate to the post as provided under Rule 7 of Sindh Judicial Staff Service Rules, 1992, which shall obviously prevail and terms & conditions for age should be mentioned in the advertisement according to the age limit provided under the rules. The petition is disposed of accordingly.

Judge

Judge

