

IN THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Aftab Ahmed Gorar

Mr. Justice Adnan-ul-Karim Memon

C.P. No. D- 7583 of 2021

Nisar Ahmed Shaikh
Petitioner : Mr. Riaz Ahmed Phulpoto, advocate.

Dates of hearing
& order : **17.01.2022**

ORDER

The case of the petitioner is that he appeared in the Combined Competitive Examination, 2003 held in December 2003 and January 2004, and qualified written test held in June 2004. The Commission based on the final result of the said examination and viva-voce recommended 77 candidates for the subject post on urban and rural quota. Per petitioner, in the mark sheet issued by the Sindh Public Service Commission bearing roll number 4495, passing marks were 450 marks and the petitioner had obtained in written test 503 marks, 122 in viva-voce total marks 625 marks. However, despite having qualified for the written test and viva-voce, the petitioner was not appointed to a vacant post, compelling him to approach the competent authority from time to time, but no avail. Finally, he moved representation to the Worthy Chief Minister and Chief Secretary Sindh who only endorsed the application put up and no action has yet been taken. It is, *inter alia*, contended by learned counsel for the petitioner, that the petitioner has moved the representation dated 01.10.2021 to the competent authority on the subject issue however, no decision has yet been taken place. Learned counsel further pointed out that the case of the petitioner is akin to the case decided by this Court in C.P. No.D-4061/2013 vide order dated 01.12.2015. He has prayed that this Court may be pleased to direct the respondent to decide the representation of the petitioner within the shortest period and the benefit of order dated 01.12.2015 may also be provided to him. Be that as it may, primarily, the common judgment dated 13.02.2020 passed by this Court in C.P. No.D-228 of 2004 and other connected petitions, which explicitly show that the Inquiry Commission shall also summon all the petitioners, private respondents including those who have filed applications under Order I Rule 10 CPC for impleading them in the petitions either to support or oppose and **the persons who participated in the process and declared successful but not made a party to the aforesaid petitions.**

In view of the above judgment/order passed by this Court , let notice be issued to the respondents as well as learned AAG with direction to file comments and decision of the competent authority on the representation of the petitioner and same be placed on record on or before next date of hearing.

To come up on **14.02.2022** along with **CP. No. D- 3762 of 2013**. The office is directed to tag the instant petition along with C.P. No.D-4061/2013.

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Nadir*