

IN THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Aftab Ahmed Gorar
Mr. Justice Adnan-ul-Karim Memon

C.P. No. D-5199 of 2021

Sadaullah
Petitioner through : Ms. Nousheen Khan Tajjammul, advocate

Respondents
through: : Mr. Ali Safdar Depar, AAG

Date of hearing
& order : **11.02.2022**

ORDER

Through this petition, the petitioner seeks the appointment for the post of Police Constable (BPS-05), more particularly in line with the order dated 29.10.2020 passed by this Court in CP No.D-5481/2019. An excerpt of the order dated 29.10.2020 is as under:

“2. We have heard learned counsel for the parties and also perused the decision dated 02.06.2020 taken by the Recruitment Board in the following manner :

Sr. #	Name	Range/Unit	Recommendation of SPRB
12	Sher Muhammad S/o SIP Imam Dino Lund	Larkana Range	<p>As reported by the Addl. IGP Sukkur Region the Candidate has applied for the post of Police Constable in District Shikarpur in General Recruitment-2016 and passed the physical process.</p> <p>He appeared in viva-voce / Interview before Range Recruitment Committee held in Aug-2016 under the Chairmanship of DIGP Larkana Range. His height was re-measured by the Committee and he was found deficient in height (i.e. 5-4.75”) and he was declared failed.</p> <p>Afterward, on the request of the Candidate, the Additional IGP Sukkur Region directed the DIGP Larkana Range for measuring the height of said Candidate. Accordingly, his height was re-measured by the DIGP Larkana Range which was found 5x5”.</p> <p>The Board after the deep discussion has recommended that since the height of Candidate was got re-measured by the Competent forum i.e. Recruitment Committee of Larkana Range and he was disqualified in the recruitment Process by the said Committee, therefore, his case regarding appointment as Police Constable in District Shikarpur General Recruitment -2016 may be rejected.</p>

3. In the above context, we would like to refer to Clause No. 4.1.6 of Recruitment of Constables in Sindh Police – 2016, which reads as under :

“Candidates who meet following eligibility criteria will be considered for the recruitment as Constable in any of the executive establishment of Sindh Police”

Age	Educational qualification	Height (minimum)	Chest (male candidate only)
		Male / Female	
18-25	Matriculation	5-5” / 5	33-Min with 1.5” expansion

4. In view of the foregoing legal position, we are of the considered view that the Government has the sole authority to frame the policy of appointment and to decide the requisite qualification for appointment against a particular post. Thus, appointment against such post through initial

appointment cannot be denied if all the codal and legal formalities are successfully met by the applicant / candidate as per the Policy / Recruitment Rules as discussed supra. Regarding the present petitioner, suffice it to say that he had already been declared successful candidate in written test and interview for the post of Police Constable in Sindh Police vide letter dated 25.02.2016, but his candidature was subsequently rejected on the premise that he did not qualify for the aforesaid post due to deficiency in height, which factum has been admittedly corrected by the competent authority i.e. DIGP, Larkana Range, by re-measuring his height.

5. Confronted with the above position, learned AAG has candidly conceded that on re-measurement of height, the petitioner became eligible and his case may be referred to the competent authority for appropriate order.

6. It may be observed that only the aspect of the height of the petitioner was the subject matter of the present petition and the observations have been made herein only in this context. Therefore, the Inspector General of Police, Sindh, is directed to scrutinize the candidature of the Petitioner in all respects for the post of Police Constable in BS-05, and if he is found fit to be admitted as a police constable in Sindh Police, his case may be processed strictly under the Recruitment Rules for the aforesaid post within one (01) month from the date of communication of this order and compliance report be submitted through MIT-II of this Court.

The instant petition along with the listed application(s) stand disposed of in the above terms with no order as to costs."

2. We have heard learned counsel for the parties, perused the material available on record and case-law cited at the bar.

3. Prima facie, the petitioner has qualified the written test and completed other codal formalities for the subject post, however, his candidature was rejected on the premise that he was found deficient in height by half an inch for the post of Police Constable and was declared as fail by the recruitment committee.

4. Learned counsel for the petitioner has pointed out that this court has already settled the aforesaid question of deficiency in height in CP No.D-5481/2019 in which the candidate was also short of deficient in height i.e. 5-4.75, who was also declared fail, however, the matter was referred to the Inspector General of Police to scrutinize his candidatures in all respect for the post of Police Constable in BS-05; and, the case of the petitioner is akin to the case decided supra.

5. Learned AAG has submitted that the case of the petitioner may be referred to the Inspector General of Police Sindh to scrutinize the candidature of the petitioner, and if he is found fit to be admitted as Police Constable in Sindh Police, his case may be processed strictly under the recruitment rules for the subject post.

6. The request of the learned AAG seems to be reasonable which is coupled with no objection of the learned counsel for the petitioner for disposal of this petition in terms of the statement of learned AAG. The request so made is acceded to and the matter of the petitioner is remitted to the Inspector General of Police Sindh to scrutinize the candidature of the petitioner in line with the order dated 29.10.2020 passed by this Court.

7. The aforesaid exercise shall be undertaken within two weeks positively. The petition stands disposed of in the above terms.

J U D G E

J U D G E