

HIGH COURT OF SINDH, KARACHI
C.P. No. D-4863 of 2019

Date: Order with signature of Judge

1. For hearing of MA No.21290/19
2. For hearing of main case

30.9.2019

Petitioner is present in person
Mr. Ali Safdar Debar AAG a/w Raza Mian DSP (Legal), SIP
Syed Ehsan and Aqeel
.X.X.X.X.

Although notices were issued to the respondents however during course of arguments, we have noticed that in fact petitioner's son appeared and passed the written test with "36 marks" and not petitioner, and his son was declared failed in driving test. Be that as it may, the petitioner's son is a aggrieved person and not petitioner. In case his son is deprived of any of his right, it should be his son filing the constitutional petition. Though his son also appeared along with him but that does not change the status and title of the petition. We could have considered the case of the petitioner's son to the extent of his re-appearance in driving test as and when announced in terms of new schedule and policy in vogue, as submitted by the learned A.A.G, but that could have been possible had it been filed by the petitioner's son. It is claimed by the learned A.A.G that there is new policy in vogue wherein two chances are being given to the drivers who failed in driving test so that they may be in a position to make another attempt and it is only possible if fresh recruitments are made.

Be that as it may, in the present petition, the petitioner's son is aggrieved party, hence we are not inclined to pass any order on merit. In case the son of the petitioner namely Adnan Khan deem it appropriate, he may avail remedy under the law.

The petition stands disposed of along with pending applications.

Judge

Judge