

IN THE HIGH COURT OF SINDH,
Bench at Sukkur

C. P. No. D – 2379 of 2017

Hearing of Case
For hearing of Main Case

24-03-2022

None present on behalf of the Petitioner.
Mr. Zulfiqar Ali Naich, Assistant Advocate General-Sindh.

ORDER

None present on behalf of the Petitioner nor any intimation received. This matter was kept aside and is taken up in the second round. On the date of hearing, we had passed the following order:

“Mr. Sajjad Muhammad Zangejo, Advocate has filed vakalatnama on behalf of the petitioner and requests for time to prepare his brief. However, on perusal of memo of petition and response of Sindh Public Service Commission, it appears that the petitioner has failed in the interview test, whereas similar petitions have already been decided by this bench. While confronted learned counsel needs some more time. At his request time is allowed. Adjourned to 24.03.2022”.

Today, Counsel for the Petitioner was supposed to assist the Court as to the above order, as apparently as per comments of the Respondents/Sindh Public Service Commission, the Petitioner had failed in the interview test. We have already dismissed the identical Petitions bearing Nos.D-756 & 3575 of 2013 vide Order dated 15.12.2021 in the following terms:

“6. As to the result of the interviews being illegal and subject to challenge in these proceedings, we have not been able to persuade ourselves as to how the relief being sought can be granted in respect of Viva-voce/Interview Examination of the Petitioners, in which, according to them, they ought to have been declared successful, whereas, the Respondents have failed them, as apparently the verbal response of the Petitioners in a Viva-voce Examination and Interview cannot be looked into by us in our Constitutional jurisdiction, as it is entirely dependent on the factual determination and the contention of the parties. Even otherwise, what answer is given by a candidate in an Interview/Viva-voce Examination, the same is a matter of verbal response and no record is apparently required to be maintained by the concerned appointing authority. In these circumstances, we are of the considered view that these Petitions are not maintainable. Reliance in this regard may be placed on the case reported

as Muhammad Ashraf Sangri v. Federation of Pakistan (2014 SCMR 157), wherein the Hon'ble Supreme Court has been pleased to observe as under-

“Essentially an interview is a subjective test and it is not possible for a Court of law to substitute its own opinion for that of the Interview Board in order to give the petitioner relief. What transpired at the interview and what persuaded one member of the Board to award him only 50 marks in something which a Court of law is certainly not equipped to probe and to that extent we cannot substitute our own opinion with that of the Interview Board. Obviously if any mala fides or bias or for that matter error of judgment were floating on the surface of the record we would have certainly intervened as Courts of law are more familiar with such improprieties rather than dilating into question of fitness of any candidate for a particular post which as observed above is subjective matter and can best be assessed by the functionaries who are entrusted with this responsibility, in the present case, the Public Service Commission. For this proposition the case of Federation of Pakistan through Secretary Establishment Division v. Ghulam Shabbir Jiskani (2012 SCMR 1198) can be referred to”.

Hence, no case for indulgence is made out. Accordingly, this Petition stands **dismissed**.

J U D G E

J U D G E

Ahmad