

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D - 4285 of 2016

Date of hearing	Order with signature of Judge
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Hearing of case

For hearing of main case

01.11.2022

Mr. Abdul Raheem Mahar, Associate of Mr. Shamsuddin Rajper, Advocate for the petitioners.

Mr. Zulfiqar Ali Naich, Assistant Advocate General Sindh along with SIP Ameer Ali Shah on behalf of D.I.G. Police, Sukkur Region and Inspector Sikandar Ali on behalf of S.S.P., Sukkur.

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1. Through instant petition, the petitioners seek directions to the respondents to comply with the Government Policy by giving 5% quota to the lady candidates, out of 62 vacancies of District Sukkur and also to issue appointment orders to the petitioners as they successfully qualified in the written test and viva-voce for the post of Assistant Sub-Inspector pursuant to the publication dated 09.06.2011.
2. It has been argued by the learned Counsel for the petitioners that the petitioners, having required qualifications, applied for the aforesaid post; they were issued admission letters dated 21.08.2013 for appearance in the written test for recruitment, which they successfully qualified and, subsequently, respondent No.3 issued interview letters for viva-voce test. The petitioners appeared before the Members of the Commission and successfully qualified the viva-voce test, and the Members of the Commission congratulated them; despite that the respondent No.4 issued appointment letters to the influential candidates as recommended by the Politicians of the Ruling Party.
3. On the other hand, learned A.A.G. Sindh while referring para-wise comments filed on behalf of respondents No.2 & 3 has contended that during the viva-voce, the performance of the petitioners was dismal and they did not fulfill the requirement of competitive process under which every candidate gets equal opportunity to express their knowledge, to

display confidence and prove their communication skills. Resultantly, they failed to qualify for the post of Assistant Sub-Inspector in Sindh Police. He has further contended that the appointment on 'women quota' in Sindh Police and other Sindh Government Departments is subject to qualifying the requisite tests and viva-voce. A candidate, who fails in passing the written test, viva-voce etc., cannot be considered for her appointment on 'women quota'.

4. Heard the learned Counsel for the parties and perused the material available on record.

5. The petitioners have failed to rebut the contention of the respondents that they failed to qualify the viva-voce. The only contention of the petitioners in this regard is that of giving them congratulations by the Members of the Commission after conducting their viva-voce and, hence, they presumed themselves to be the qualified candidates. We have not been able to persuade ourselves as to how the relief sought by the petitioners can be granted merely on their contention that they succeeded in the viva-voce when the record is contrary to such claim. The so-called favourable response of the Members of the Commission in the interview/ viva-voce examination, as per the claim of the petitioners, cannot be looked into by us in our Constitutional jurisdiction, as it is entirely dependent on the factual determination without any requisite supporting record.

6. In such circumstances, we are of the view that this petition is not maintainable. The petition is, therefore, **dismissed** accordingly.

J U D G E

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Abdul Basit