

# IN THE HIGH COURT OF SINDH KARACHI

Before :

Mr. Justice Muhammad Iqbal Kalhoro  
Mr. Justice Adnan-ul-Karim Memon

**CPNo.D-3652 of 2012**

Sabir Hussain and 05 others

Petitioners:

Petitioner No.1 present in person

Respondent No.1:

Through Mr. Yasir Ahmed Shah, AAG

Respondents No.2 to 4:

Through Mr. Ahmed Rajput advocate, holds  
brief for Mr. Abid S.Zuberi, advocate

Date of hearing

& Decision:

18.01.2023.

## **ORDER**

Through this Constitutional Petition, the petitioners have called into question the recruitment process initiated by the Port Qasim Authority (PQA) for the posts of Security Guard (BPS-03) via advertisement dated 21.5.2012, *inter-alia*, on the ground that they were/are more qualified candidates for the subject posts; that petitioners No.1 and 2 being ex-servicemen had fulfilled the prescribed qualification and eligibility under the Rules to the posts of Security Guard. After due process, the Petitioners were short-listed. Petitioners have further averred that the Respondents completed the process of recruitment for the aforesaid posts by appointing the un-qualified and blue-eyed person by misusing their powers/authority and flouted the principle of law as laid down by the Hon'ble Supreme Court on the identical issue. Petitioners through the petition have impugned the process of such appointments in PQA, which according to them is a result of favoritism and nepotism to deprive meritorious candidates including the petitioners vide office orders dated 06.08.2012, 07.08.2012, and 08.08.2012 in total 213 appointments were made. It is further added by the Petitioners that the post of Security Guard and other posts of staff below the BPS-17 on daily wages in PQA and making appointments since last many years, initially on daily wages and thereafter said appointments were regularized amongst the workers of the political party under the umbrella of CBA could only

be filled as per recruitment rules framed by PQA and not otherwise, for which certain experience of the post is a mandatory requirement, which has been bypassed while filling the posts. Petitioners prayed for annulment of the entire recruitment process initiated in terms of the advertisement dated 21.05.2012 and subsequent steps taken by the respondent PQA on the issue of appointments.

2. We have heard Petitioner No.1 who is present in person and have examined the record including the order dated 07.12.2022.

3. The respondent-PQA, advertised various posts including the post of Security Guard. Primarily, this is a policy decision of the respondent-PQA. The Hon'ble Supreme Court of Pakistan has held in a recent judgment that the High Court, at best, can look into the legality of the recruitment process but cannot delve deeper into the design and need of the employing institution or second guess their selection criteria and job requirement, and on the aforesaid analogy it is a specific expert area and can be best resolved by the institution itself according to the suitability and requirements of a certain post as designed and desired by the employer, for the reason that it is an area for which the Courts are not best suited. This being an internal policy decision of the respondents, judicial review is not called for.

4. In the light of the above facts and circumstances of the case, without touching the merits of the case, we found this petition not maintainable in terms of the ratio of the unreported judgment dated 07.12.2022 passed by the Hon'ble Supreme Court of Pakistan in CP No.4806/2019 (*re-Waqas Aslam and others v. Lahore Electric Supply Company Limited, etc.*).

5. In the above background, this petition is dismissed.

**JUDGE**

**JUDGE**

Nadir\*