

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**CP. No. D- 8033 of 2019**  
*(Muhammad Ayoub Panhwar v. Province of Sindh and others)*

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Date \_\_\_\_\_ Order with Signature(s) of Judge(s) \_\_\_\_\_

1. For orders on Official Assignee Ref# 03/2023
2. For orders on Official Assignee Ref# 02/2023
3. For orders on Reference No.3209/2020

**24.02.2023**

Mr. Ali Safdar Debar, AAG  
Dr. Chaudhary Waseem Iqbal, Official Assignee  
Dr. Shahnawaz, advocate for respondent No.04 and 6  
Mr. Muhammad Yousif Alvi, Law Officer SPSC  
Dr. Liaquat Ali Abro, Consultant Law to Chief Secretary, Government of Sindh

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**ORDER**

On 9.11.2020, this petition was disposed of by consent of the parties with the following directions:-

“After making their respective submissions at considerable length, learned counsel for the petitioner learned AAG and learned counsel for Sindh Public Service Commission and respondent No.6 have agreed that, in order to ensure merit and transparency in the process of the CCE-2020 examination, the said examination should be held at Karachi under the supervision of learned Official Assignee, and at Sukkur, Hyderabad, and Larkana under the supervision of Additional Registrar Sukkur Bench and Additional Registrars of Circuit Courts at Hyderabad and Larkana, respectively. Learned Official Assignee and the above learned Additional Registrars of this Court shall ensure that the entire process of the CCE-2020 examination is held strictly in accordance with law, relevant rules and regulations and the directions given by Hon’ble Supreme Court vide judgment dated 13.03.2017 in Suo Moto Case No.18/2016, particularly sub-paragraphs 7 to 12, 14 and 15 of paragraph 26 thereof; the written tests and interview are held, the results thereof are declared and the recommendations in favour of the successful candidates are made strictly on merits and in a fair and transparent manner; and, in case of rejection of any candidate, he/she shall be informed in writing immediately so that he/she may avail the remedy of appeal.

By consent, this petition and the applications pending therein are disposed of in the above terms with no order as to costs.”

2. We have been informed that the aforesaid order was challenged before the Hon’ble Supreme Court of Pakistan in C.P.1439-K/2020 (*re-Muhammad Ayub Panhwar v. Province of Sindh through Chief Secretary, Government of Sindh & others*) and the same was disposed of as not pressed.

3. The Official Assignee and Additional Registrars of Sukkur Bench, Hyderabad, and Larkana Circuit Benches of this court were directed to ensure the transparent process of the Combined Competitive Examination-2020 (CCE-2020) strictly in accordance with law and rules in terms of dicta of the

judgment dated 13.03.2017 of the Hon'ble Supreme Court of Pakistan in Suo Moto Case No.18/2016 reported in **2017 SCMR 637**.

4. The Official Assignee /Additional Registrars of the three Benches of this court submitted compliance reports on 26.11.2020, 27.11.2020 & 28.11.2020, which are as under:

**“26.11.2020**

Most respectfully, it is submitted that in compliance with the order dated 09.11.2020 passed by the Hon'ble Division Bench at High Court of Sindh Karachi in Const. P No.D-8033 of 2019 (Re: Muhammad Ayoub Panhwar versus Province of Sindh and others), the undersigned being supervisor of the Combined Competitive Examination-2020 at Government Boys Degree College Larkana managed the entire activity of examination properly from 10.11.2020 to 25.11.2020 respectively. The undersigned made assure that arrangement of seat number of candidates properly managed. However; sufficient space between seats were kept to avoid communication among the students. The undersigned checked CNICS and Examination Slips of each candidate thoroughly and during the examination the undersigned not allowed any digital device or written stuff in the examination. The question papers were de-sealed in-front of me and answer copies sealed and locked in Almirah in my presence, also I used to lock the room and deployed strong police escort outside the room. Besides, S.O.Ps was fully observed.

No irregularity found, so also no complaint was received from any candidate during entire examination.

In the end, entire examination material of Combined Competitive Examination-2020 held at Government Boys Degree College Larkana was handed over to Mr. Akhlaque Ahmed Kalwar, Deputy Director (Recruitment) of Sindh Public Service Commission on 26.11.2020 for transmission of the same to the Headquarter of above said Commission at Hyderabad under strong police escort.

The Detail report of everyday examination exercise of each paper is furnished separately.

The report is submitted for placing the same before the Hon'ble Competent Authority for kind perusal and further directions if any.”

**27.11.2020**

It is submitted that after finishing of each paper the same was collected at given time. All the answer copies were duly sealed alongwith all attendance sheets, certificates of opening of parcel containing question papers and Certificates of Authenticity in a cloth bag. The entire sealed material was then handed over to the Additional Controller of examination Mr. Imtiaz Ali Jagirani on each day after completion of above procedure.

It is further submitted that no irregularity was found during written examination CCE-2020 at the examination centre viz Government Girls Degree College, Sukkur. Whereas the undersigned also did not receive any complaint from any of the participants/candidates, as such entire process of said written examination held in transparent manner at Sukkur Centre.

**28.11.2020**

On query, Mr. Noor Muhammad Dars, the Assistant Controller, S.P.S.C. Hyderabad informed to the undersigned that question papers of all subjects duly sealed in envelopes are kept in Secret Branch of the Commission, the same are sent to the Office of Chairman through responsible Officer, where they are separated centrewise and blockwise under the supervision of Chairman/Acting Chairman/nominated Member of the Commission, thereafter which are handover to the Supervisors of concerned centres.

The above said centres were checked properly, where the undersigned remained available till sealing of Answer papers. No any device or written material was found during checking of admission slips and CNICS of candidates in the Rooms/Blocks of the centres to avoid any impersonation. After the end of papers, the blank pages of Answer sheets including supplementary sheets of candidates were crossed in order to avoid any irregularity/manipulation. Afterwards, the undersigned got the

papers sealed by affixing Certificate of Authenticity upon each packet, under his supervision on every scheduled date at the above mentioned centres on every alternate day, after completing the visit at last centre. No irregularity was found, so also no any complaint was received from any candidate during the above said entire process.

It is further submitted that during several visits at one centre i.e. Government Girls Model School, GOR Colony, Hyderabad, it was observed that there was break down of electricity and there were small chairs, whereupon the candidates were sitting. However, some of them were made request for replacement of the same with suitable chairs. On their request, the undersigned got the chairs changed at once with the help of centre supervisor. Moreover, the supply of electricity during examination hours was ensured by the HESCO after receiving the complaint from the Commission Office.

It would be worthwhile to mention here that a letter bearing No.31313 dated 27.11.2020 (Annexure-A) issued by the undersigned to the Chairman/Secretary, Sindh Public Service Commission, Hyderabad for intimating each and every scheduled activity prior to the undersigned in order to ensure the compliance of the orders passed by this Hon'ble Court in its letter and spirit.

It would be pertinent to mention here that the above said report is only the 1st stage of entire process. However, two main stages are still remained i.e. (1). Assessment of Answer papers after their desealing and (2). Viva-Voce/interview of successful candidates. The said two remaining processes need several complete days exercise and the undersigned has also the responsibilities to perform his official duties as well, till 4:00 p.m or departure of Sitting Judges of this Hon'ble Court.

The photographs were also captured during the visits at the above said three centres. The visits report is respectfully submitted for favour of kind perusal, as desired.”

5. On 24.11.2020 & 25.11.2020, this court passed orders on the aforesaid references with the object to ensure compliance with the directions passed by this court on 9.11.2020. The said order is reproduced as under:-

**“24.11.2020**

Learned Official Assignee has submitted this Reference No.01/2020 dated 23.11.2020, copy whereof has been received by learned AAG, who waives notice. By consent, Chairman / Acting Chairman as well as Controller Examination of Sindh Public Service Commission are directed to appear before this Court in person on the next date of hearing. Issue notice to them during course of the day for compliance. To come up on 25.11.2020 at 12:00 noon.

**25.11.2020**

In compliance of order dated 24.11.2020, Noor Muhammad Jadmani, Chairman Sindh Public Service Commission (SPSC) and Hadi Bux Kalhor, Controller SPSC, are present in person. Shoukat Ali Ujjan, Secretary SPSC, is also present in person. Reply to the Official Assignee's Reference No.01/2020 has been filed on behalf of SPSC, which is taken on record.

The above named Chairman of SPSC states that the Commission is already following the steps / procedure proposed by learned Official Assignee. However, he has no objection if the prayer made by learned Official Assignee in paragraph 8 of his Reference No.01/2020 is allowed. He undertakes that all the steps, till the completion of entire exercise of CCE-2020 examination, shall be taken by the Commission with the concurrence of learned Official Assignee. Learned Official Assignee states that copies of the rules and regulations have been received by him from the Commission. Accordingly, by consent following prayers (i), (ii) and (iv) made by learned Official Assignee in paragraph 8 of his Reference No.01/2020 are allowed:

(i) That the Chairman, Sindh Public Service Commission and Controller Examination, Sindh Public Service Commission, may be directed to ensure sealing of all record of written examination at Head Office of the Commission at Hyderabad on or after 25th November 2020.

(ii) That the Chairman, Sindh Public Service Commission and Controller Examination, Sindh Public Service Commission, may be directed to secure the Head Office under CCTV21 footage more particularly

the rooms where all record of Combined Competitive Examination-2020 shall be secured under exclusive control of Official Assignee, the Chairman and the officials appointed by the Hon'ble Court.

(iv) That the Chairman, Singh PUSK Sen Controller Examination, Singh Publo Sen be directed to ensure that no written are coded and dispatched to examiner Assignee is informed one week earlier of such ev /his representative's presence"

It is pointed out by the Chairman SPSC that recording maintained / stored by the computer only for a period of thirty (30) days and as such storage of recording beyond the said period is not possible SPRO directed to copy / save the data of CCTV recording of the area m learned Official Assignee's above-quoted prayer (ii) on monthly basis as a backup so that data for the next month can be recorded and saved dated 09.11.2020, Additional Registrars of Sukkur Bench and Chie Hyderabad and Larkana were directed to supervise the CCE-2020 at Sukkur, Hyderabad and Larkana, respectively. Learned Official Assignee states that since the entire subsequent exercise after completion examination will be carried out at Hyderabad, it will be no monitor the said exercise personally. By consent, Additional Registrar of Cout Court Hyderabad is directed to assist the learned Official Assignee when requested by him, and to represent him before the Comm Hyderabad.

Adjourned.”

6. On 10.03.2021, the Official Assignee submitted the Second Reference in compliance with this court's order. Paragraphs 10 & 11 of the said Reference are reproduced as under;-

“10. That the Secretary of the Commission vide letter dated 10.02.2021 (copy is enclosed as 'A/15') provided soft copy of the data of CCTV recording for the month of December, 2020 and January, 2021 pertaining to the scheduled activity of CCE-2020 to the Additional Registrar, High Court of Sindh, Circuit Bench, Hyderabad. The Additional Registrar vide letter dated 25.02.2021 (copy is enclosed as 'A/16) has informed that one envelope containing the data of CCTV recording for the month of December, 2020 and January, 2021 pertaining to the scheduled activity of CCE-2020 duly sealed with the signature of Mr. Noor Muhammad Dars-Assistant Controller, Sindh Public Service Commission, Hyderabad received by his office which is kept in safe custody.

11. The Official Assignee respectfully submits the above facts and prays that Chairman, Sindh Public Service Commission may be directed to ensure the establishment of Control Room for the CCTV surveillance of all exercise being in process with the record of CCE-2020; compile and communicate CCTV data alongwith Certificate of the head of such Control Room CCTV Department and to ensure the compliance of all implimentation concerns pointed out to the Commission under minutes of visit dated 11.01.2021 (enclosed and referred above as 'A/8").”

7. This court on 03.02.2023 & 17.02.2023 passed further orders on the reference which are reproduced as under:-

**“03.02.2023**

Lerned Addl: AG claims copy of listed Reference No.03/2023 filed by the Official Assignee, who is present in person to assist the Court on the point on the next date of hearing. Adjourned to 17.02.2023.

**17.02.2023**

Learned AAG has filed statement to refernce filed by the Official Assignee, who is not present and reportedly busy before Honourable Supreme Court. Adjourned to 24.02.2023.”

8. The Official Assignee further submitted the Third Reference reflecting compliance which is reproduced as under:-

“8. That on 02.01.2023 Official Assignee of this court visited the Head Office of the Sindh Public Service Commission at Hyderabad and scanned the record in detail. He has observed that after the receiving back the answer sheets from the examiners the Commission de-coded the answer sheets and instead of getting into exercise of tabulation, the selected answer sheets were purportedly sent to the examiners for corrections under an exercise named as Rectification.

9. That it is regrettable that under the garb of rectification exercise, additional Marks have been given to many individuals; such exercise was so arbitrary that one individual has been awarded 98 additional Marks, one benefited with 78 Marks and many were given 40 and above additional marks by cutting of previous marks inside the answer sheets as well as outside on the face sheets. In some answer sheets the total numbers column has no cutting while on the face sheet as well as inside the answering sheets there had cuttings on marks earlier assigned.

10. That having observed all record minutely the Official Assignee requested the controller examination as well as worthy Chairman to share their view who both agreed that the record has been tempered in a calculated manner, however, shared that such exercise is done prior to their resumption of charges of respective posts.

11. That the Official Assignee thus formulated his report instantly and has directed the worthy Chairman Sindh Public Service Commission to complete re-assessment of all the answer sheets after new coding, besides initiating enquiry into the conduct of responsible officials. Report has been shared with the Worthy Chairman, Secretary Sindh Public Service Commission and Controller Examination for compliance. Copy of the visit report is enclosed as 'B'.

12. That the Secretary Sindh Public Service Commission vide letter dated 20.01.2023 has informed that in pursuance of the visit of Official Assignee to Sindh Public Service Commission at Hyderabad on 02.01.2023, the Commission has taken important measures in consonance with the observations to ensure transparency, fairness and impartiality in the assessment of answer sheets and announcement of examination result. He further shared the SOP and timelines for the fresh assessment exercise through central assessment at Sindh Public Service Commission Head office. Copy of letter dated 20.01.2023 of the Commission with its enclosures is enclosed as 'C'.

13. The Official Assignee respectfully submits the visit Report of the Official Assignee dated 02.01.2023 as well as letter dated 20.01.2023 of the Sindh Public Service Commission which may graciously be taken on record or (this Honble Court may) pass order as deem fit and proper in the circumstances of the case.”

9. Although the reference to the inquiry report of the High Powered Committee constituted by the Chairman SPSC was also filed under seal cover which was opened and the Official Assignee was directed to make this report as part of the court record.

10. The Official Assignee who is present in Court submitted that in compliance with the orders of this court, he coordinated with the staff of the SPSC in conducting the CCE-2020 at Karachi as directed by this court, whereas, Additional Registrars of this court were associated in the process at Sukkur, Hyderabad, and Larkana to carry out the gigantic task. He pointed out that the answer sheets of the candidates were accordingly sealed at examination centers and sent to the Head Office of the SPSC at Hyderabad. He further submitted that SPSC deliberately avoided calling him to supervise the process as directed by this Court, however, after the lapse of two years i.e. January 2021 to December 2022, they were finally bothered to call him

for the aforesaid purpose; and, he started supervising the process under the surveillance of CCTV Camera and sealed the answer sheets. However, in the intervening period, he noticed certain discrepancies in the process. The concerned officials of the SPSC, in his absence, de-coded the answer sheets which were sealed with malafide intentions to manipulate the numbers in the copies that were purportedly sent to the examiners for giving marks to ensure that they get higher marks so that they could be selected. He added that such exercise on the part of officials of SPSC was so arbitrary and dubious for the reason that one candidate was awarded 98 additional marks, one candidate was given 78 marks and many others were given 40 additional marks. The examination copies, answer sheets as well other pages of the sheet clearly show tempering on the marks. He emphasized that in some answer sheets, the total number of the column had no cutting while on the face sheet as well as inside the answering sheets there had been marks which are less and further marks were added. Learned Official Assignee further pointed out that the record of CCE-2020 has been tempered in a calculated manner by the officials of SPSC which required a thorough probe.

11. During the hearing, we were informed by the Official Assignee that the Chairman SPSC, vide letter dated 04.1.2023, had constituted a High-Powered Committee to probe the tempering of the record of the CCE-2020 Examination at the hands of the official of SPSC and Chairman of SPSC submitted its findings to the Chief Secretary, Sindh, for immediate legal action against delinquent officials. As per the Official Assignee, there was/is the manipulation of the examination record of CCE-2020. The official of SPSC has misused their power and authority to extend favors to candidates, who failed, by tempering the answer sheets.

12. We inquired from the learned Official Assignee whether any departmental action has been taken against the delinquent officials of SPSC. He submitted that as per his knowledge, the High Powered Committee has recommended departmental action against the officials of SPSC and now it is for the competent authority of the Government of Sindh to take action against them. Let the report of the High Powered Committee be placed on record along with recommendations.

13. At this stage, learned AAG has referred to the statement dated 16.02.2023 received from Controller of Examination SPSC and submitted that certain officials of SPSC have been placed under suspension vide office order dated 04.01.2023 and high powered inquiry committee was constituted to carry out activities of CCE-2020 vide letter dated 11.1.2023 and report in this

regard has been submitted to the learned Official Assignee vide letter dated 20.01.2023. Learned AAG further submitted that a meeting was held with Vice Chancellor(s) on 6.2.2023 and after obtaining the profiles of Examiners and meeting them have been requested to reassess the answer copies of the candidates of CCE-2020, all compulsory/optional subjects in the premises of SPSC Head Office under the surveillance of CCTV camera and supervision of learned Official Assignee or through his representatives. He further pointed out that fresh coding of answer copies has been started with effect from 8.2.2023 and central assessment has been scheduled with effect from 21.2.2023 to 10.03.2023. He pointed out that a fact-finding inquiry has been conducted by the members of SPSC and perhaps the same has been completed and such report has been forwarded to the Chief Secretary, Sindh, for appropriate orders.

14. We have heard the learned Official Assignee on his reference No.3/2023, learned AAG, Counsel representing respondent No.04 & 06 and perused the record with their assistance.

15. We have gone through the references of the official assignee, inquiry report, and recommendation of the Chairman SPSC. We are not inclined to agree with the action which the Chairman SPSC has suggested, in the first place, the tempering of the answer sheets ex-facie spoiled the whole transparency that a public body must adhere to when undertaking such a process.

16. In such like circumstances, we are compelled to hold that the entire result of CCE-2020 based on tempered answer sheets has polluted the required standards of transparency, therefore, the exams of CCE-2020 need to be held again in terms of the orders passed by this Court on 9.11.2020, 24.11.2020, 25.11.2020, 03.02.2023 & 17.02.2023 as the petition was disposed of by consent with the sole object that the officials of SPSC will hold the exams in a transparent manner. This has not been done and now those officials, who not only favored, prima facie, are guilty of misconduct, have also exposed themselves to contempt proceedings by willfully defying the directions of this court and the Hon'ble Supreme Court of Pakistan in Suo Moto Case No.18/2016.

17. Prima facie, the SPSC has not improved its image which is a matter of record, and many strictures have been passed by judicial forums.

18. In view of the above facts and circumstances of the case, we stay off our hands for the time being to see what departmental action the Sindh Government/competent authority is taking against the delinquent officials/officers in the first instance, where after on examining the proposed penalties, we will further pass appropriate orders. The proposed departmental proceedings shall be conducted within two months. The compliance report shall be submitted on or before the next date. The SPSC is directed to conduct the exams CCE-2020 afresh within two months. The Official Assignee and Additional Registrars of the Benches of this court shall supervise such process in the terms as set out in the order dated 9.11.2020 whereby the petition was disposed of with consent and the order when challenged before the Hon'ble Supreme Court of Pakistan was maintained. Let a copy of this order be communicated to the competent authority of the Sindh Government, Chairman, Sindh Public Service Commission, and Official Assignee for compliance.

To come up after two months.

**JUDGE**

**JUDGE**