

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT  
HYDERABAD**

**C.P. No. D-3547 of 2022**

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DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For orders on office objections  
For hearing of main case

**08.02.2023**

Petitioner present in person.

Mr. Ayaz Ali Rajper, Assistant Advocate General Sindh along with Suhail Ahmed Patoli, Assistant Director SPSC and Mashooque Ali Gopang, focal persons SPSC.

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**ORDER**

**KHADIM HUSSAIN TUNIO, J:-** It is contended that in response to the advertisement published in newspapers on 05.02.2021, the petitioner applied for the subject post of Assistant Research Officer and qualified the written test conducted by respondent No.3 / Sindh Public Service Commission (SPS). His purported grievance is that despite qualifying the written test, he was not called for interview by respondent No.3. Through this petition, he has prayed that respondent No.3 be directed to call him for an interview for the subject post which, according to him, is still lying vacant.

Comments have been filed by SPSC stating that the application of the petitioner was rejected by the said respondent vide rejection letter dated 04.10.2022 on the ground that he was not eligible for the subject post as he did not possess the required qualification stipulated in the advertisement. The comments also state that interviews of the eligible and successful candidates were held for the subject post and the final result was announced by respondent No. 3 on 28.11.2022 i.e. prior to the filing of the present petition. A copy of the press release dated 28.11.2022 issued by SPSC has been filed along with the comments in support of the above contention.

The contention of SPSC appears to be correct as a copy of the rejection letter dated 04.10.2022 issued by SPSC to the petitioner has been filed by the petitioner himself along with the petition and is available at page

51. In paragraph 12 of the petition, the petitioner has stated that the appeal filed by him against the said rejection letter was dismissed by SPSC vide order dated 14.10.2022, copy whereof is available at page 53. The said order clearly states that the petitioner did not possess the required qualification.

As far as the decision dated 17.11.2022 in C.P. No. D-3247, 3288, 3305, 3314 and 3329 of 2022 is concerned, the facts of the same are distinguishable from that of the present petitioner's case as those bunch of petitions were filed during the stage of interviews whereas in the present case, the result has already been announced and recommendations for appointment have also been made against the successful candidates. The appointments have attained finality and those appointed in the 20 vacancies, after following due process and meeting the requirements, have gained a competing interest against the petitioner and equity demands that first in time is first in right. The petitioner approached this Court at a very belated stage and for that reason, cannot seek to gain any benefit from the above decision in the petitions.

Captioned petition is dismissed being meritless.

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