

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

**C. P. No. D - 1362 of 2019**

**Present:**

Justice Zafar Ahmed Rajput  
Justice Shamsuddin Abbasi

Mr. Achar Khan Gabol, Advocate for the petitioner.  
Mr. Muhammad Aslam Jatoy, Assistant Attorney General.

Date of hearing : 20-09-2022

Date of decision : 02-06-2023

**ORDER.**

Through the instant petition, petitioner Shafqat Ali Laghari seeks following relief(s):-

a. That this Honourable Court may be pleased to declare that the act of respondents by not selecting the petitioner having higher marks than the private respondents, further by selecting private respondents who obtained the lesser marks than the petitioner have committed the violation of merit thereby committing an illegal, unlawful and unjustified act.

b. That this Honourable Court may be pleased to direct the official respondents to issue appointment order to petitioner having higher marks and score than the private respondents.

c. That this Honourable Court may be pleased to restrain the official respondents not to issue the appointment orders to the private respondents till the final disposal of this petition.

d. That this Honourable Court may be pleased to direct the official respondents to produce the

whole record in respect of the above advertisement and subsequent record before this Honourable Court.

e. That this Honourable Court may be pleased To grant any other equitable relief which has not been specifically prayed for, which this Honourable Court deems fit and proper in the circumstances of the case.

2. It is a case of the petitioner that National Highways and Motorway Police (NH&MP) have jointly announced vacancies of different categories to be filled in through Pakistan Testing Centre (PTC) and the petitioner being eligible applied for the post of Lower Division Clerk (LDC). The petitioner participated in written test and secured 26 marks out of 40 marks. Thereafter in typing test (WPM), the petitioner secured 65 marks and his accuracy in the test was 93%. Thereafter, he appeared in interview but he was not considered for the post of LDC and the respondents appointed respondent Nos. 6 and 7, who secured lesser marks than the petitioner were appointed.

3. The respondent Nos. 1 to 4 have filed their comments and given the details of marks and test of the petitioner and the respondent Nos. 6 and 7, which is reproduced as under:-

Description	Petitioner	Respondent No.6	Respondent No.7	Last Candidate Selected in Sindh (R) General Quota
1. Name	Shafqat Ali Leghari	Shakeel Ahmed	Zameer Ali	Ghulam Hussain
ii. Roll No.	18372201438	18371101968	18372205611	18371112693
iii. CNIC No.	4510239484527	6110172424489	4320223283841	4340403923449
iv. Religion	Islam	Islam	Islam	Islam
v. District of Domicile	Ghotki	Naushahro Feroz	Qamber Shahdad Kot	Qamber Shahdad Kot
vi. Quota of applied post	Sindh (R) General	Sindh (R) General	Sindh (R) General	Sindh (R) General.
vii. Marks in Written Test	26/40	27/40	26/40	27/40
VIII. Marks in Typing Test	40/40	40/40	40/40	40/40
ix. Marks interview	5/20	17/20	15/20	13/20

x. Total Marks	<u>71/100</u>	<u>84/100</u>	<u>81/100</u>	<u>80/100</u>
----------------	---------------	---------------	---------------	---------------

4. The petitioner has filed counter-affidavit to the comments filed by the respondents No.1 to 4, which reveals that Mr.Masroor Alam Kolachi (DIG Motorway police Karachi) was Chairman of Interview Committee who basically belongs to the village of petitioner and he was biased with the elders of Petitioner for the reason that he demanded the land from the elders of the petitioner, which was adjacent to his lands but the elders of petitioner have refused to sell out the land to him and due to such grudge, he was deferred. Affidavit further reveals that interview committee did not asked single question to the petitioner in interview and only Chairman enquired his name, caste, details of his parents and elders of his village and because of such grudge he was not considered for the post of LDC by the said Chairman.

5. Heard the learned counsel for the petitioner,, Assistant Advocate General and perused the material available on record.

6. Since the claim of petitioner has been denied by the respondents as he has secured the lesser marks than the respondents No.6 and 7. The respondent No.6 has obtained 84 and 81 marks respectively whereas the petitioner has obtained 71 marks, therefore, he was not considered for the appointment as LDC on merits. The points raised by the learned counsel for the petitioner that the Chairman of Interview Committee was biased with the petitioner due to refusal of his elders to sell out the land to the said Chairman, cannot be considered for his appointment for the reasons that this is a factual controversy and such factual controversy cannot be resolved in writ jurisdiction. Consequently, this petition being devoid of merits is dismissed.

JUDGE

JUDGE

Akber.