

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
C.P.No.D-1098 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on MA-5100/2024
2. For orders on office objections
3. For orders on MA-5101/2024
4. For orders on MA-5102/2024
5. For hearing of main case.

04-07-2024

Mr. Abdul Hafeez Solangi advocate for petitioner

1. Granted.

2,3,4&5. The petitioner claims to have participated in a recruitment process initiated by the Sindh Public Service Commission in January, 2023. It is demonstrated from a press release available at Page-47 that the petitioner qualified in the written test. The present challenge is to the result of the viva conducted; in the list of successful candidates whereof the petitioner's name does not find mention. This impugned list is available at Page-57.

It is the contention of the learned counsel that the petitioner had in fact successfully been interviewed, however, the qualifying marks have been unlawfully withheld from her. Per learned counsel, the Court may be pleased to summon the video and audio record of the relevant interview; conduct a factual ascertainment for itself as to what quantum of marks ought to be awarded to the petitioner; and then appoint the petitioner to the post sought.

At the very outset, it is noted that the impugned list contains the names of at least 12 candidates that have been successful in the viva voce. Even though the fate of this petition could materially affect the status of all such candidates, since the primary prayer is for the entire final result to be set at naught, none of them have been impleaded herein.

No infirmity, in the recruitment process impugned, was even endeavored to be demonstrated before the Court and the entire pleadings pivoted upon the averment that the petitioner *ought to have been declared successful instead*. Notwithstanding the foregoing, the plea raised is factual in nature and the writ jurisdiction is not the appropriate forum in such regard¹. There was also no endeavor to demonstrate the existence of any vested right in respect of the petitioner to maintain this petition.

No case has been set forth before us to merit the invocation of the discretionary² writ jurisdiction of this Court in such regard; therefore, this petition is hereby dismissed in *limine*.

Judge

Judge

¹ 2016 CLC 1; 2015 PLC 45; 2015 CLD 257; 2011 SCMR 1990; 2001 SCMR 574; PLD 2001 Supreme Court 415.

²Per Ijaz Ul Ahsan J. in Syed Iqbal Hussain Shah Gillani vs. PBC & Others reported as 2021 SCMR 425; Muhammad Fiaz Khan vs. Ajmer Khan & Another reported as 2010 SCMR 105.