

ORDER SHEET  
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA  
C.P No.D- 116 of 2013

(5)

DATE

ORDER WITH SIGNATURE OF JUDGE

For Katcha Peshi.

\*

08.5.2014

Mr. Saleem Raza Jakhar, advocate for petitioner :  
Mr. Abdul Hamid Bhurgri, Addl. A.G.

-----

Through the instant constitution petition, petitioner has prayed for the following relief(s):-

- (a) That this Hon'ble Court may be pleased to direct the respondents No.2 to 4, to provide job/appoint petitioner as Constable in police department on the basis of prevailing policy of the government and the Standing Orders.

2. Notices were issued to the respondents as well as A.A.G. Comments are filed on behalf of respondents. In the comments filed by Deputy Inspector General of Police, Larkana in Para No.4 and 5, it is mentioned as under:-

04. That contents of Para No.04 are admitted to the extent that all the candidates including petitioner have participated in the process of recruitment against son quota and serving employee quota as per above standing orders.

05. That, allegations leveled in Para No.05 are not true, hence humbly denied, in this connection it is submitted that in pursuance of Worth IGP, Sindh Karachi's directions contained in his order NO.23503-24/T-7/E-IV/2011 dated 28.11.2011, a selection board was constituted consisting upon following officers by this office for verification and finalization the cases against son/employee quota and serving employee quota according to the above Standing orders:

- |      |                                  |            |
|------|----------------------------------|------------|
| i.   | DIGP, Larkana Range              | (Chairman) |
| ii.  | SSP Larkana                      | (Member)   |
| iii. | SP Kamber-Shahdadkot             | (Member)   |
| iv.  | ADIGP, Operations, Larkana Range | (Member)   |
|      | (Now post is abolished)          |            |

The above committee conducted all recruitment tests and selected/recommended 131 No. of cases/candidates for their appointment against aforesaid quota, the same cases sent to the Worthy IGP, Sindh, Karachi, vide this office letter No.E.II/23136 dated 27.6.2012. The IGP, Sindh Karachi,

←

returned back the same with directions to re-examine the list of 131 candidates of Larkana Range.

In pursuance of above directions a committee was constituted vide this office letter No.E.II/2326 dated 18.01.2013 consisting upon the following Officers:

- a. Mr. Abdul Khaliq Shaikh, PPM, BAR, PSP, (Chairman)  
DIGP, Larkana Range.
- b. Capt. (R) Parvaiz Ahmed Chandio, PSP, (Member)  
SSP, Shikarpur.
- c. Mr. Javed Soonharo Jiskani, QPM, PSP (Member)  
SSP, Larkana.
- d. Mr. Muhammad Younis Chandio, PSP, (Member)  
SSP Jacobabad.
- e. Dr. Farukh Ali, PSP, (Member)  
SP Kamber-Shahdadkot.
- f. Mr. Muhammad Umar F. Salamat, PSP, (Member)  
SP, Kashmore @ Kandhkot

Above committee re-examined/scrutinized the cases of all 131 candidates and unanimously 125 cases of Larkana Range were declared considered and same were sent to worth IGP, Sindh Karachi vide this office letter No.E.II/2511 dated 21.03.2013, with the recommendation/request to approve these cases against the son quota/serving quota, as per standing orders. The petitioner could not qualify in interview conducted by the committee and deserving candidates were recommended/appointed accordingly.

(underlining is provided for emphasis).

3. After hearing learned counsel for the parties, it is ordered that case of the petitioner who has applied for the post of Police Constable shall be reconsidered by the respondents/recruitment committee according to the existing policy, rules as well as judgment passed by this Court in the case of Muhammad Aslam v. Government of Sindh reported in 2013 PLC (C.S) 1275 wherein, in similar circumstances, petition was allowed. It would be conclusive to refer the relevant para No.9 and 10 of the said dictum, which is reproduced as under:-

9. Having said so, now we would revert to the merits of the case in hand. The following facts are not disputed at all:-

- (i) the petitioner No.1 has served more than 20 years in the police department.
- (ii) the petitioner No.2 is the real son of the petitioner No.2.

Both the above undisputed facts leave nothing ambiguous that the case of the petitioners fall within the meaning and objective of the **Standing Order** therefore, the petitioner No.2 is legally entitled for extension of relief, so provided under the Standing Order in question.

10. Now we would further like to examine the condition of eligibility, as per the Standing Order, which is that "who otherwise meet the criteria of Constable, Junior Clerk and Naib Qasid". This puts only a condition that children of the employees shall be required to show that they fall within the "criteria" so required for such post. This no-where requires that such qualified candidate (per Standing Order) should also undergo all tests, as are to by a regular candidate. The word "**critierion**" is defined in the Oxford dictionary as "**a principle a standard by which something may be judged or decided**". This also makes it clear that it is the qualification/requirement for the job which are described at the time of inviting application(s) for such jobs. Such eligibility of the petitioner No.2 is no where disputed because he was found physically fit so was allowed to appear in written test and even he qualified such written test(s) twice which also proves that the petitioner No.2 was, at such times, falling within the "critierion" so required for the post of constable."

4. Thus, we direct the concerned respondents to reconsider and decide the case of the petitioner within the parameters as laid down in above referred petition and Standing Order/policy, which was in existence at the time when petitioner passed written test, within a period of three months under intimation to this Court.
5. Constitution petition stands disposed of accordingly.

Judge

Judge