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ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
C.P No.D- 432 of 2013

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DATE	ORDER WITH SIGNATURE OF JUDGE
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For Katcha Peshi.

08.5.2014

Mr. Bahadur Ali S. Shahani, advocate for petitioners.

Mr. Abdul Hamid Bhurgri, Addl. A.G.

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

- (a) That this Hon'ble Court may graciously be pleased to direct the respondents to issue the appointment orders in favour of the petitioners as CONSTABLE in police department on the basis of prevailing policy of the government and the Standing Order as they have passed the written test so also cleared the viva-voce.
- (b) To direct respondents to issue appointment/posting orders to the petitioners forthwith.

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 respondent No.3, Para No.4, being relevant is reproduced as under:-

04) That, contents of Para No.05 are admitted to the extent that petitioners have participated in physical test/written test, in which they declared successful by the concerned SSP. That all the successful candidates of Larkana Range were called to appear in Viva Voce/Interview before the committee which was comprising upon following senior/experienced Officers.

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| i. | DIGP, Larkana Range | (Chairman) |
| ii. | SSP Larkana. | (Member) |
| iii. | SP Kamber-Shahdadt | (Member) |
| iv. | ADIGP, Operations, Larkana Range | (Member) |

That during the course of Viva Voce/Interview, petitioners could not qualify and deserving candidates were recommended to the Inspector General of Police, Sindh Karachi for necessary approval.

3. Learned counsel for the petitioners argued that petitioners appeared in the written test, qualified the same but they were declared unsuccessful in viva-voce. It is argued that this all was done to favour blue eyed persons. In support of his contentions reliance has been placed on the case of Muhammad Aslam v. Government of Sindh reported in 2013 PLC (C.S) 1275.

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3. Learned A. A.G submitted that petitioner did not qualify the viva voce and reserved quota has already been filled. He has referred to the order dated 12.3.2013 passed in CP No.D-874 of 2012.

4. This Court in the case of Muhammad Aslam (supra) has laid down the criteria for appointment on the deceased quota. Relevant portion of the said judgment 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 "**criteria**" 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 "criteria" so required for the post of constable."*

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

6. Constitution petition stands disposed of accordingly.

Judge

Judge