ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
C.P No.D- 1149 of 2012

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. assisted by Mr.Ameer Ahmed Narejo, State counsel.

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 petitioners as Constable in police department on the basis of prevailing policy of the government and the Standing Orders.

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 Khadim Hussain Rind, Deputy Inspector General of Police, Larkana Range, in Para No.4, it is mentioned as under:-

" 04. That, viva voce of candidates of district Kashmore @ Kandhkot was held on 14th May-2012 (Monday) at Range Office Larkana. During the course of Interview/Viva Voce and scrutiny of relevant record, successful and deserving candidates of Kashmore @ Kandhkot district were recommended for the post of police constables against son quota while petitioner namely Tarique Aziz s/o Haut Khan Sanjrani was declared fail, by the committee, as he obtained only 10 marks, in final interview and his total obtained marks are 45.

Learned Additional A.G submits that case of the petitioner shall be reconsidered by the concerned 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 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 "**criterion**" 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 also proves that the petitioner No.2 was, at such times, falling within the "criterion" 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 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.

5. Constitution petition stands disposed of accordingly.

Judge

Judge

Abid H. Qazi/**