

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**C.P. No.D-5824 of 2024**

[ *Syed Mohsin Raza Hamdani & others v. Federation of Pakistan & others* ]

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**DATE:**                      **ORDER WITH SIGNATURE(S) OF JUDGE(S)**

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1. For Order on office objections No.10 & 22
2. For Order on CMA No.25858/2024 (A 199-4(B))
3. For hearing of Main Case.

**05-12-2024**

Mr. Naveed Ali, Advocate for the Petitioners No.4 & 5.

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Through this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 (hereinafter referred to as "the Constitution"), the petitioners seek the cancellation of the Final Merit List of Sepoy (BS-05) issued by Respondent No.5, and further request that the respondents be directed to appoint them as Sepoy (BS-05).

On the previous hearing, the learned counsel for the petitioners was put on notice to satisfy the Court as to which provision of law had been violated.

We have heard the arguments of learned counsel for the Petitioners and thoroughly reviewed the contents of the petition. Concerning the Petitioners' assertion of having passed the physical and running tests, among others, but not succeeding in the interview conducted by the Departmental Selection Committee, it must be noted that merely passing the physical and running tests or written tests does not ensure success unless the necessary marks in the interview are also attained. The authority to evaluate and score candidates rests solely with the Interview Committee, whose judgment cannot be superseded by this Court. The Committee's expertise is recognized and will only be questioned if there is clear evidence of gross negligence or malafide intent. The selection process involves human discretion based on specific criteria, which this Court is not positioned to reassess through judicial review. The courts are not to take on the role of the appointing authority in deciding a candidate's fitness for a position.<sup>1</sup>

In addition, the Divisional Bench of this Court at Sukkur, of which one of us, Arbab Ali Hakro. J who was a member, dismissed the petitions in the case of Ali Hassan and others<sup>2</sup> under similar facts and circumstances. The judgment rendered by the Divisional Bench in that case is binding upon this Court. The Court meticulously examined the facts and circumstances analogous to the present case and concluded that the petitions lacked merit. This decision was grounded in thoroughly analysing the legal principles and the evidence presented. Consequently, the judgment serves as a binding precedent for this Court, underscoring the importance of adhering to established legal standards and ensuring uniformity in judicial decisions.

For the foregoing reasons, the instant petition is **dismissed in *limine***.

**JUDGE**

**JUDGE**

FAIZAN\*

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<sup>1</sup> ASIF HASSAN vs SABIR HUSSAIN (2019 SCMR 1970)

<sup>2</sup> ALI HASSAN versus PROVINCE OF SINDH (2024 PLC(CS) 396