ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
C.P No.D- 623 of 2013

DATE	ORDER WITH SIGNATURE OF JUDGE

<u>For Katcha Peshi.</u>

<u>08.5.2014</u>
Mr. Safdar Ali Ghouri, advocate for petitioners.
Mr. Abdul Hamid Bhurgri, Addl. A.G.

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

(a) That this Hon'ble Court may graciously be pleased to restrain the respondents No.1 to 3 from discrimination and be further pleased to direct them to appoint the petitioners against 'Son Quota' as they are successful candidates and cancel the recommendation/appointment of respondents No.4 to 18.

(b) That this Honourable Court may graciously be further pleased to direct the respondents No.1 to 3 to submit vacancy position of constabulary in District Larkana and the explanation as to how the names of respondents No.4 to 18 were recommended and they were appointed instead of successful candidates viz. the petitioners.

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.2 Khadim Hussain Rind, Deputy Inspector General of Police, Larkana Range in Para No.3, it is mentioned as under:-

03) That contents of Para NO.03 to 07 are admitted to the extent that Worthy IGP, Sindh Karachi, vide his an other order No.16815-42/E-IV/2011 dated 16.09.2011, allocated the following number of vacancies in the rank of constable for recruitment against son quota in districts of Larkana Range.

Name of district	No. of vacancies allocated
Larkana	37
Kamber-Shahdadkot	18
Shikarpur	30
Jacobabad	22
Kashmore @ Kandhkot	24
Total	**131**

In this connection, it is submitted that Worth IGP, Sindh Karachi, vide his order No.23503-24/T-7/E-IV/S&S/2011 dated 28.11.2011, has constituted boards for verification and finalizing the cases against son/serving employees quota, wherein following committee constituted for Larkana Range:

  i. The DIGP Larkana Range   (Chairman)
  ii. The ADIG (Establishment) Larkana
      (Now post abolished)
  iii. Two SSsP/SsP, nominated by DIGP Larkana (Members)
      (SSP Larkana & SP Kamber-Shahdadkot were nominated).

That petitioner along with other candidates of Larkana district who were declared successful in written & physical tests were called to appear before the Selection

Board along with Original Documents for their interview/viva-voce at Range Office Larkana on 8th and 9th May, 2012, vide this office letter No. Estt.E.II/ 15096-102 dated 03.5.2012. During the course of interview/viva-voce petitioners obtained following marks in final interview as shown against each:

S.No.	Name of candidate/petitioner	Interview marks
01)	Noor Ahmed Soomro	33
02)	Sajid Ali Mirbehar	32
03)	Abdul Ghaffar Shah	27
04)	Ali Asghar Abro	33
05)	Saeed Ahmed Kalhoro	26
06)	Imtiaz Ahmed Narejo	19
07)	Hameedullah Kalhoro	21
08)	Mujeeb ur Rehman	15
09)	Sajid Hussain Khuhawar	09
10)	Siraj Ahmed Khokhar	15
11)	Naveed Ali Kanasiro	25
12)	Sajjad Ali Jumarani	17
13)	Qasid Hussain Jhinjhin	12

That, above named petitioners could not qualify in final interview to be selected by the committee. And all successful 131 cases of the candidates of Larkana Range were recommended to worthy IGP Sindh Karachi, vide this office letter No.EII/23136 dated 27.06.2012. The IGP. Sindh Karachi, vide his letter No.32129/E.B-III/T-7/S&S dated 06.12.2012 returned back the matter with the directions to re-examine the list of 131 candidates of Larkana Range, after scrutiny, eligible candidates should be recommended to competent authority.

3.   After hearing learned counsel for the parties, it is ordered that case of the petitioners who have 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 0further 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 "**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 which 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 petitioners within the parameters 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

1 – For Orders on M.A 3277/lu (4/A)
2 – For Orders on M.A 3278/lu (E/A)
Abid H. Qazi/*3 – For Orders on M.A 3279/lu (C/A)