

**IN HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

CP No.D-553 of 2023

[Muhammad Nadeem v. Election Commission of Pakistan & others]

PRESENT:

MR. JUSTICE ZULFIQAR ALI SANGI

MR. JUSTICE ARBAB ALI HAKRO

Petitioner Muhammad Nadeem Tagar (advocate) present in person.

M/S. Khurram Shahzad, Additional Director General (Law), Waseem Ahmed Director (HR), Sarmad Sarwar Assistant Director (Law), Election Commission of Pakistan.

Date of hearing & decision: 30.01.2025

ORDER

ZULFIQAR ALI SANGI, J: - Through this petition, the petitioner has prayed that;

- a. *Declare that the acts of the respondents to make back door appointments are illegal and they may be directed to strictly observe the merit and in the light of written test and interview and declare the result in accordance with law.*
- b. *This Honorable Court may be pleased to appoint an honest and God fearing officer to probe into the matter and such detailed report may be submitted before this Honorable Court and in the light of findings of such report, this Honorable court may be pleased to pass appropriate order as deem fit, so that the merit in all respect must be observed.*
- c. *That, Honorable Court may graciously be pleased to direct the respondents to submit detailed report of making appointments on the basis of PROVINCIAL QUOTA and submit complete record in this Honorable Court.*
- d. *Honorable Court may graciously be pleased to restrain the respondents to fill out the post in question.*
- e. *Grant....*
- f. *Cost....*

2. It is claimed by the petitioner that the respondent-Election Commission of Pakistan (ECP) announced two posts of Director (Law) and advertised the same in various newspapers; however, out of two,

one was reserved for the province of Sindh. Petitioner states that in response to that, he applied for the said post and cleared written test; he was called for an interview; however, result thereof was not announced.

3. In response to the notice, issued by this Court, the respondents filed their written comments wherein they denied the allegations made in the petition. However, they admitted that the petitioner has qualified written test and was called for an interview and thereafter during interview he did not meet the qualifying criteria where after the process was ended and again it was re-advertised, which process is ongoing and the petitioner has concealed these facts.

4. Upon hearing the petitioner, respondents and perusal of material available on record, it reflects that firstly the petitioner was invited for an interview after successfully passing the written test for the subject post. However, the petitioner did not meet the necessary criteria during the interview stage, as confirmed by the respondents. Thereafter the subject post has been re-advertised and such process is still ongoing, as disclosed by the respondents in the comments. Further, the petitioner has failed to provide sufficient evidence to substantiate the claim of backdoor appointments or that the respondents have violated any laws or procedures. Any interruption in the fresh process for the appointment of the subject post(s) would amount to be premature at this stage. Even there is concealment of the fact that the petitioner failed to meet the interview criteria, which could seriously dent the fairness, transparency, and legitimacy of the process initiated again to fill up the subject post. In such a position, no probe is required to be made in the ongoing process.

5. In light of the above facts and considering the factual position, we do not find any merit in the instant petition which is hereby **dismissed** along with pending application(s), if any.

JUDGE

JUDGE