

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Const. Petition No.D-1303 of 2023

Date	Order with signature of Judge
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1. For orders on office objection at flag `A`
2. For hearing of CMA No.5547/2023
3. For hearing of main case

28-11-2023

Mr. Abdul Raouf holding brief for Mr. Jaffar Ali Shah, Advocate
for the Petitioners

Mr. Zulfiqar Ali Naich, Assistant Advocate General

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Muhammad Iqbal Kalhoro,J:- It is the case of petitioners that they had applied for appointment as constables in Police department in terms of advertisement in the year 2022. They qualified written test and were called for interview in which according to them they had replied all the questions to satisfaction of the Interview Committee but were not appointed and instead other candidates with low marks were declared as qualified.

2. The comments have already been filed. The counsel holding brief has refused to argue the matter. The comments show that out of 443 candidates who had qualified the written test, only 142 applicants were selected on the basis of vacant seats. On the merit list, petitioner No.1 Ansar Ali, stood at Sr. No.232, whereas petitioner No.2 Irashad Ali had even failed to qualify the viva-voce test. In view of the comments of the respondents it is clear that petitioner No.1 had qualified but stood at Sr. No.232 at merit list and therefore was not appointed, whereas petitioner No.2 had not even qualified the viva-voce test. The wisdom of the Interview committee to give particular marks according to aptitude competence, etc of a candidate cannot be examined in the writ jurisdiction nor we can substitute our opinion for the opinion of Interview committee and determine qualification and merit of the candidates. More so, we have already decided this issue in CP No.D-404 of 2023 along with connected petitions, on 31.08.2023. The relevant para of the said order is reproduced as under:

“13. Needless to add, the criteria for appointment are to be formulated and fixed by the Selection Committee, and no vested right is created in favour of the petitioners on the basis of grounds raised if they have been declared failed in the interview. Even otherwise, it is settled that Court ought not to intrude in the matters of candidates’ fitness for a

particular post as this is best assessed by the functionaries entrusted with the responsibilities, such as the Public Service Commission as held in the case of **Muhammad Ashraf Sangri vs Federation of Pakistan and others (2014 SCMR 157)**, it has been held as under:-

“136. It is an admitted position that although the petitioner had cleared the written examination but he had failed in the interview/viva voce which was a pre-condition before he could be appointed as a member of the Central Superior Service of Pakistan. It would be seen that the written test is designed essentially to gauge a candidate’s familiarity with the subjects which he has chosen to offer for this purpose plus his power of expression etc. Hence the written test does not gauge the personality of the candidate or his communication skills or his leadership or decision making abilities which are left to be examined at the time of interview. The Central Superior Service of Pakistan is not merely any type of service but should only admit such persons in its fold who have a well-rounded personality, a grasp over national and international affairs, balanced sense of judgment, maturity and stability, good communication skills and leadership as well as decision making abilities. This is for the simple reason that very important matters of the State and the country are entrusted to the members of the Central Superior Service and if persons of low intellectual quality or feeble personalities enter the same, the entire country suffers. When the petitioner sat for the SSC Examination he knew very well that not only did he have to pass the written test (when he did) but also the interview in which he failed. Essentially an interview is a subjective test and it is not possible for a Court of law to substitute its own opinion for that of the Interview Board in order to give the petitioner relief. What transpired at the interview and what persuaded one member of the Board to award him only 50 marks is something which a Court of law is certainly not equipped to probe and to that extent we cannot substitute our own opinion with that of the Interview Board. Obviously if any mala fides or bias or for that matter error of judgment were floating on the surface of the record we would have certainly intervened as Courts of law are more familiar with such improprieties rather than dilating into question of fitness of any candidate for a particular post which as observed above is subjective matter and can best be assessed by the functionaries who are entrusted with this responsibility, in the present case, the Public Service Commission. For this proposition the case of Federation of Pakistan through Secretary Establishment Division v. Ghulam Shabbir Jiskani (2011 SCMR 1198) can be referred to.”

14. In view of the above discussion and exposition of the law, the petitioners have not been able to make out any

case of issuance of desired writ by this Court; therefore, captioned petitions, being devoid of force, are accordingly **dismissed** along with listed applications.

3. In view of the above, we find no merit in this petition and is dismiss it accordingly.

JUDGE

JUDGE

Sulemen Khan/PA

