

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constt. Petition No.D-890 of 2021

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
--------------------	--------------------------------

For hearing of main case.

29.02.2024

Mr. Riaz Ali Shaikh, Advocate for petitioner.
Mr. Zulfiqar Ali Naich, AAG.

Muhammad Iqbal Kalhoro, J: Petitioner had applied in Police Department for appointment as a Police Constable. He qualified the test but in medical test, he was found Hepatitis positive, hence his candidacy was rejected. Thereafter he moved an application to DIG Shaheed Benazirabad for consideration on the ground that subsequently when he got himself tested, he was declared Hepatitis negative. Such application was sent to Inspector General of Police and consequence whereof a meeting of Recruitment Board was convened which after a thorough examination of the record decided to reject candidacy of the petitioner on the ground that he was found with Hepatitis reactive.

Learned counsel for petitioner submits that he would be satisfied if his case is referred to the quarter concerned for a fresh consideration. On the other hand learned AAG has opposed this request by submitting that since petitioner was declared Hepatitis-B and his application was rejected, no case for a fresh consideration is made out. Even otherwise on application of petitioner, a thorough consideration of his case by the Board has already taken place.

We therefore, find no merit in the petition. Medical fitness is an integral part of process of appointment. If the candidate is found misfit in the medical test by the relevant committee, it would wash away his qualification in other tests, an inadequacy which cannot be remedied in a Constitution petition. Even otherwise, a mere recommendation for appointment does not create any vested right in favour of a recommendee. Therefore, the petitioner on the ground of having qualified the academic tests cannot claim a right to appointment. This petition therefore having no merit, is accordingly dismissed. However, petitioner may pursue remedy in accordance with law.

J U D G E

J U D G E

*Ihsan/**