

ORDER SHEET  
**THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD.**

**C.P. No.D-941 of 2021.**

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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For orders on office objections.  
For hearing of main case.

**06-10-2022**

Mr. Sajjad Ahmed Chandio advocate for petitioner.  
Mr. Allah Bachayo Soomro, Additional Advocate General Sindh.  
Mr. Muhammad Yousif Alvi Law Officer SPSC.  
Mr. Zain-ul-Alam Khuhro Assistant Controller SPSC.

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MUHAMMAD IQBALKALHORO, J:-Petitioner is serving as Assistant (BPS-14) in the Board of Revenue, had applied through proper channel in Combined Competitive Examination (CCE-2019) for recruitment to the posts of BPS-16 & 17 in various departments under Government of Sindh, which although he qualified but has not been allocated any post.

His case is that he is the only candidate from the department, who had applied for the post, therefore, in compliance of requisition for recruitment sent by the department to Sindh Public Service Commission (SPSC) envisaging 10% quota in appointments on ministerial establishment Board of Revenue and Divisional Commissioners, SPSC was required to recommend his name as such for appointment on a given post on such quota. His counsel submits that four seats of Mukhtiarkar BPS-16 appertaining to the said quota are still lying vacant. The case of SPSC, on the other hand, is that petitioner had applied for appointment on general quota and did not clarify in his application that he was doing so on quota of ministerial establishment. Therefore, although, he qualified the examination but since he stood low on the merit list, he was not recommended against the given post.

It is not disputed that had the requisition of the department been implemented in letter and spirit, or 10% quota of ministerial Establishment clarified in the advertisement, his case might have been considered for appointment against such quota. In terms of original requisition by the Department, 10% appointment on the basis of quota of ministerial Establishment of Board of Revenue was required to be maintained. There is no justifiable reason in law why SPSC failed to do so and/or entered into correspondence with the department to get clarification on this point if there was any ambiguity. Representative of SPSC and learned counsel have admitted that petitioner's appeal for the said purpose is pending. Petitioner was the only candidate who had applied from the Department for the given post and in case he did not qualify on merit, his case ought to have been considered for appointment on the basis of quota of ministerial establishment Board of Revenue for which there appears to be no impediment legal or otherwise, particularly when the requisition of the department for recruitment contains such provision. It appears, therefore, that petitioner has a prima facie case for consideration in appeal. In the circumstances, we, while disposing of this petition, direct SPSC to consider the case of petitioner in pending appeal in terms as stated above and decide it within a period of one month in accordance with law and submit compliance report through learned Additional Registrar of this Court.

**JUDGE**

**JUDGE**