

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
Const. Petition No. D- 1056 of 2014



DATE	ORDER WITH SIGNATURE OF JUDGE
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Hearing of Case

13.9.2017

Mr. Gulshan R. Dayo, Advocate for the petitioner.

Mr. Abdul Hamid Bhurgri, Addl. A.G.

Through this petition, the petitioner seeks appointment order for the post of Constable as it is claimed that he was declared successful in all the tests and interview.

2. Learned counsel for the petitioner submits that the petitioner was referred for character verification and physical test which he had passed and, therefore, the respondent's reply regarding his failure in written test is not tenable, hence petition be allowed.

3. Learned Addl. AG submits that the petitioner has failed in the written test whereas this requires factual controversy, therefore, petition is not maintainable.

4. We have heard the learned counsel and the learned Addl. AG. In the memo of petition, the petitioner himself has stated that pursuant to an advertisement he applied for the post of Constable and submitted his application on 22.08.2013. He further stated that he along with so many other candidates was called by the Respondent No.3 where the measurement of the body was taken and he was declared fit whereas physical test was carried on. He has further stated that thereafter he appeared in the written test. From the perusal of the memo of petition and

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the documents placed on record it does not transpire that any offer letter was issued to the petitioner, whereas, mere reliance on the character verification does not substantiate that the petitioner had qualified in the written test. In the comments, the result has been annexed which clarifies that the petitioner obtained 28 marks and was declared fail. In view of such position we are of the view that no case for indulgence is made out so as to exercise any discretion in favour of the petitioner. Accordingly, instant petition being misconceived is dismissed.

Abid H. Qazi/**