

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD
C.P. No.D-1813 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
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15.04.2025

Mr. Ahmed Murtaza A.Arab advocate for petitioner.

Mr. Rafique Ahmed Dahri Assistant A.G. Sindh along with Ayaz Ahmed Assistant Director, Sindh Public Service Commission Hyderabad.

Through this petition, the petitioner challenges the recruitment process initiated through Consolidated Advertisement No. 03/2024, dated 10.06.2024, for the post of Accountant (BPS-17) in the Finance Department, Government of Sindh. Learned counsel contends that the petitioner met all eligibility criteria, duly applied and appeared in the written test held on 10.08.2024 under Roll No. 215808 at Police Training School, Wagan Road, Larkano. As per the Press Release dated 20.09.2024, he secured 78.5 marks in written test and stood first amongst successful candidates from Rural Sindh. Learned counsel submits that despite his top score, the final result announced through Press Release No. PSC/EXAM (S.S)/2024/701 dated 09.12.2024 included names of candidates who had secured significantly lower marks (as low as 51), while the petitioner was excluded from the merit list. Learned counsel for the petitioner alleges that this action violates the recruitment policy, constitutional mandates, and his fundamental rights, rendering the selection process illegal and arbitrary.

2. On the other hand, learned A.A.G. Sindh contends that as per respondents No.3 and 4 the petitioner obtained a total of 108.5 marks i.e. 78.5 in the written test and 30 in the interview, as such, he was declared unsuccessful in the interview failed to secure the minimum qualifying threshold of 33% marks (i.e., 33 out of 100). He further contends that the SPSC provides a mechanism for representation and appeal

under Article 161 of the RMR 2023, which the petitioner has availed but his Representation has been rejected. He has also placed on record the order dated 10.02.2025 passed by Member (Appeals) SPSC on the representation of the petitioner, which is taken on record and copy whereof provided to the petitioner's counsel. He also points out that after rejection of Representation the petitioner had remedy to exhaust by filing a Review Petition within a period of ten days; however, he failed to do so.

3. At this juncture, learned counsel for the petitioner contends that the petitioner is unaware of the order passed on his Representation since the order was not communicated to the petitioner.

4. It was inquired from Mr. Ayaz Ahmed, Assistant Director and representative of the Sindh Public Service Commission (SPSC), Hyderabad, whether the order passed on the petitioner's representation was ever communicated to him. Mr. Ayaz Ahmed stated that the order was indeed communicated and undertook to produce the acknowledgment receipt within the hour. He was accordingly directed to submit the same during the course of the day. However, despite the matter being kept pending for production of such acknowledgment, the said Assistant Director failed to produce it.

5. After hearing the learned counsel for the parties and examining the material available on record, it appears that although the petitioner performed well in the written test by securing 78.5 marks and admittedly secured first position amongst Rural Sindh, he was declared unsuccessful in the interview showing to have obtained only 30 out of 100 marks, which falls below the minimum qualifying threshold of 33%.

6. We have also perused the order dated 10.02.2025, passed by the Member (Appeals), SPSC, whereby he observed that the petitioner was granted a personal hearing during which he reiterated his position. The Member also called a verification report, which was submitted by the Controller of Examinations,

stating that the petitioner's aggregate score (written plus interview) was 108.5, whereas the last recommended candidate had secured 112.5 marks. On such basis, it was concluded that the petitioner stood lower in merit and, therefore, was not entitled to selection. Consequently, his representation was rejected.

7. We have also found that respondents No.3 and 4 have admitted in paragraph 6 of their comments that the petitioner secured 78.5 marks with first position in the pre-interview written test for the post of Accountant (BPS-17) under the Rural Quota. However, they maintained that the petitioner obtained only 30 marks in the interview, below the 33% threshold, resulting in his disqualification. Prima facie, it appears incredible to a prudent mind that a candidate who secured 78.5 marks in the written test would fail to attain even the minimum qualifying marks in the interview.

8. Since the order dated 10.02.2025 passed by the Member (Appeals) appears to be not a speaking order and fails to disclose the reasoning or substantive basis for maintaining the result in respect of the petitioner, as such, said order is hereby set aside. Accordingly, the matter is remanded to the Chairman, SPSC. However, to ensure fairness, justice and compliance with the law, the Chairman shall nominate another competent Member (Appeals) to hear the matter afresh, scrutinize the record thoroughly from all corners and then pass a well-reasoned speaking order after affording due opportunity of hearing to the petitioner.

9. In view of the above circumstances, instant petition stands disposed of along with pending applications.

Let a copy of this order be communicated to Secretary/Chairman, Sindh Public Service Commission Hyderabad for strict compliance.

JUDGE

JUDGE