

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No.D-831 of 2025

[Sajawal vs. Province of Sindh and others]

Date	Order with signature of the Judge
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- 1. For orders on M.A No.3717/2025 (U/A)
- 2. For order on office objections
- 3. For order on M.A No.3718 of 2025 (Exemption)
- 4. For order on M.A No.3719 of 2025 ((Stay)
- 5. For hearing of main case.

20.5.2025

Mr.Wali Muhammad Khoso, Advocate for the Petitioner

ORDER

- 1. Disposed of.
- 2to5. The petitioner had applied for the post of Assistant Research Officer (BPS-17), in Plant Pathology, pursuant to advertisement No.01 of 2021 dated 05.02.2021, announced by the Sindh Public Service Commission, Hyderabad (SPSC), however, he was declared successful in written statement, while in interview/viva-voce, he was declared un-successful, hence he filed, instant Constitutional Petition, inter alia, seeks following reliefs:
  - a) To issue the writ directing that the procedure followed by the respondents No.2 to 4 regarding recruitment to the post of Assistant Research Officer (BPS-17) in Plant Pathology is illegal and unlawful.
  - b) To direct the respondent No. 2 to 4 to declare the petitioner as eligible and successful candidate for the post of Assistant Research Officer (BPS-17) in Plant Pathology as he qualified the written test purely on merits.
  - c) To direct the respondent No. 2 to 4 to produce the audio & video recording with photographs of candidates and the members of the interview committee, visible in the proposed video, pursuant to the judgment dated: 13.03.2024 passed by this Honorable Court in C.P No. D- 1708 of 2023 & C.P No. D- of 1709 of 2023.
  - d) To direct the respondents No. 2 to 4 to produce the original copy of the paper of written test bearing Serial No. 01230 and interview result as well before this Honorable Court for passing appropriate orders.
  - e) To restrain the respondents 2 to 4 from processing the illegal and unlawful press release to the respondent No.1 for its further processing as same is illegal, unlawful, perverse and full of discrimination and blue-eyed persons without having been declared in transparent manner and is liable to be suspended and the process of recommendations liable to be stopped.
  - f) Any other relief.

2. Learned counsel for the Petitioner vehemently contends that it is deeply disconcerting that the Petitioner, having been conferred Silver and Gold Medals by the University and adjudged the overall position holder with an exceptional academic standing of 91.26% and a perfect CGPA of 4.00 out of 4.00, was nonetheless declared unsuccessful by the Sindh Public Service Commission (SPSC) in interview/viva voce. He further argues that such a determination is not only ultra vires, arbitrary, and capricious but constitutes an egregious contravention of the sacrosanct principles of meritocracy. Counsel asserts that, in the ordinary course of events, it is inconceivable that an individual securing 91.26% and a flawless CGPA of 4.00 in both his Bachelor's and Master's degrees could fail to obtain even a nominal score in an interview assessment. He further submits that the Petitioner duly preferred representation before Respondent No.2, seeking issuance of his mark sheet to ascertain his standing in the meritocratic evaluation. Despite the fact that said representation was duly received by the SPSC on 15.05.2024, no redressal has been accorded, thereby perpetuating an unwarranted deprivation of the Petitioner's right to transparency in the selection process.

3. We have heard the learned counsel for the petitioner and have scrupulously reviewed the record with his assistance. The Petitioner, having applied for a position under the purview of the SPSC, alleges that his academic credentials and achievements were disregarded during the recruitment process. Aggrieved by the outcome, he preferred representation under Regulation 161 of the Sindh Public Service Commission (Recruitment Management) Regulations, 2023, on 15.05.2025, which was duly received by the SPSC on the same date. Without awaiting the culmination of the appellate mechanism envisaged under Regulation 161, the Petitioner prematurely approached this Court on 17.05.2025, invoking constitutional jurisdiction.

5. Regulation 161 *ibid* provides a strict timeline for the adjudication of grievances by the Commission 1) Initial Representation: A candidate may file a representation before the Chairperson within 15 days of the communication of an adverse decision. Upon receipt, the Secretary must promptly seek nomination of a Member to hear the matter. The nominated Member is

required to conduct a hearing, evaluate evidence, and issue a speaking order within the next 15 days and 2) Appeal to Chairperson: If dissatisfied, the candidate may file an appeal within 10 days of the Member's decision. Upon receipt, the Chairperson must constitute an Appellate Committee, comprising at least two Members, to hear the appeal. The Appellate Committee is bound to decide the appeal within 10 days, and its decision shall be final and binding on the parties.

6. In the present case, the Petitioner submitted his representation on 15.05.2025, and instead of awaiting the prescribed 15-day period for resolution at the initial stage, he prematurely filed the present petition before this Court on 17.05.2025, barely two days after initiating his grievance under the statutory framework. This act renders the petition premature and legally untenable, as the Petitioner had not exhausted the mandatory appellate process before invoking constitutional jurisdiction.

7. The purpose of Regulation 161 is to ensure that grievances are addressed expeditiously within the Commission itself, rather than burdening constitutional courts with matters that fall within the domain of a specialized appellate mechanism. This principle aligns with settled judicial precedents, which consistently emphasize that where an alternative remedy is prescribed under law, judicial intervention should only be sought after its proper exhaustion.

8. In view of the foregoing, the present petition is **dismissed** in *limine*, along with all pending miscellaneous applications, for being premature and misconceived. The Petitioner is to await the adjudication of his representation by the competent forum in accordance with the strict time frames prescribed under Regulation 161, failing which he may pursue such remedies as may be available to him under the law, if so advised.

**JUDGE**

**JUDGE**

AHSAN K. ABRO

