

# IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Constitution Petition No.D-801 of 2019  
[Zahoor Ahmed vs. P.O Sindh & others]

**Present:**

*Mr. Justice Zulfiqar Ali Sangi*

*Mr. Justice Abdul Hamid Bhurgri*

**Petitioner** : Zahoor Ahmed Samtio,  
through Mr. Sohail Ahmed Khoso,  
Advocate.

**Respondents** : Province of Sindh and others,  
through Mr. Shahryar Awan, Assistant  
Advocate General Sindh.

**Date of Hearing:** 16.04.2025

**Date of Order.** 16.04.2025

## **ORDER**

**Abdul Hamid Bhurgri, J.-** Through this Constitutional Petition, the petitioner seeks redress for the alleged denial of appointment to the post of Constable. The petitioner avers that the said post was advertised by the respondents via an advertisement published in the Kawish newspaper dated 18.04.2018. Pursuant to the advertisement, he submitted his application from District Khairpur and appeared in the written examination conducted on 21.10.2018, in which he secured 63 marks out of 100, surpassing the required passing score of 40.

**2.** Subsequently, the petitioner was called for an interview on 10.01.2019, in which he appeared. Following the interview, respondent No.4, informed him that he would be contacted shortly. The grievance of the petitioner is that despite qualifying the test and appearing in the interview, his name did not appear in the final merit list, while, according to him, other individuals who did not even participate in the interview process were declared successful.

**3.** It was further asserted that the petitioner, along with other candidates, approached respondent No.3 seeking issuance of the list of successful candidates. However, he allegedly refused to furnish the same on the pretext that the vacancies had been distributed among individuals

recommended by influential political figures to accommodate their associates, even those who had neither appeared for the test nor the interview.

**4.** According to the petitioner, this constituted a denial of his legitimate and lawful entitlement and amounted to arbitrary exclusion from the selection process based on extraneous considerations and political favoritism. The petitioner prayed as follows:-

- (a) *To declare that act of the respondents by not appointing the petitioners as Constables in the Sindh Police and wants to appoint those persons, who had come from back-door on the shoulders of the Politician of ruling Government, is illegal, unlawful and against the natural justice, hence the same act may be declared as null and void.*
- (b) *To direct the respondents to appoint the petitioners as Constables in Sindh Police, as they have been declared as successful candidates by completing all the legal and valid formalities.*
- (c) *To direct the respondents to produce whole record before this Honourable Court, so that truth should come on surface, as who had applied for the posts of constables, who appeared in physical tests, written test and interview.*
- (d) *To award the cost of the petition.*
- (e) *To grant any other relief, which this Honourable Court may deem fit and proper under the circumstances of the petition.*

**5.** Comments were submitted by the official respondents through the learned Additional Advocate General. Respondent No.2 stated that a Departmental Recruitment Committee had been constituted to oversee the recruitment process for the year 2018–2019 in respect of 1,428 vacancies for the post of Police Constable under the Sindh Reserve Police (SRP). The recruitment process was carried out through a third-party testing service to ensure transparency.

**6.** The advertisement was published in leading provincial newspapers inviting applications from eligible citizens domiciled in Sindh. Five percent

of the seats were reserved for women and another five percent for minorities. It was submitted that petitioner, Zahoor Ahmed, son of Punhal, had applied through proper channel, appeared in the written test, and obtained 63 marks. The recruitment committee conducted interviews for the shortlisted candidates, including the petitioner.

7. It was further submitted that the appointment orders were issued only after selection by the Recruitment Committee and upon verification and fulfillment of codal formalities, including clearance from the DIGP/SRP Sindh. The final merit list was placed on record, and it reflected that the last selected candidate had secured more marks than the petitioner. The official respondents categorically denied the allegations of political interference and asserted that appointments were made solely on merit in accordance with the prescribed recruitment policy.

8. Learned counsel for the petitioner contended that the petitioner had cleared both the physical and written tests but had been unfairly excluded from the merit list to accommodate other politically connected individuals. He argued that the final selection did not reflect merit and that even persons who had not applied or appeared were included. It was urged that the petitioner, having passed the test and interview, was entitled to appointment and that the respondents be directed to issue his appointment order.

9. The learned Assistant Advocate General, representing the official respondents, submitted that the recruitment process was conducted through a third-party testing firm to ensure fairness. The petitioner, though having cleared the physical and written tests, failed to score adequately in the interview, obtaining only 10 marks, and thereby failed to secure a place in the final merit list.

10. It was contended that the petitioner's allegations were vague, unsubstantiated, and devoid of factual merit. No credible evidence had been placed on record to establish political favouritism or *mala fide* exclusion. In view of the above, the learned AAG prayed for the dismissal of the petition.

**11.** Having heard the learned counsel for the petitioner as well as the learned Assistant Advocate General, and having perused the material placed before the Court, it appears that the grievance of the petitioner centers around the assertion that, despite successfully clearing the written and physical assessments, he was declared unsuccessful in the interview on account of alleged favoritism and nepotism by the Recruitment Committee. It is claimed that the respondents selected candidates who had not even participated in the recruitment process.

**12.** The petitioner further argues that he secured higher marks in the written test but was ultimately declared failed in the interview/viva voce by the Selection Committee. The crux of his case is that obtaining superior marks in the written component ought to have conferred upon him a vested right to selection.

**13.** However, it is well settled that it lies within the exclusive domain of the Interview or Recruitment Committee to assess and evaluate candidates during the interview process and to allocate scores according to their own judgment and assessment. This Court, while exercising jurisdiction under the constitutional writ, cannot substitute its own opinion for that of the Recruitment Committee. The authority and wisdom vested in the Committee cannot be interfered with or questioned, unless there is manifest malice or gross illegality on the face of the record warranting judicial intervention.

**14.** In the case of *Asif Hassan and others v. Sabir Hussain and others* (2019 SCMR 1970), the Honourable Apex Court has observed as under:-

*“On the other hand, learned counsel for the respondent No.1 has contended that the respondent as it would appear from the short listed candidates that he was more qualified and had a very long experience and, therefore, the official respondents out to have given preference to respondent No.1 upon the petitioners. However, we note that the respondent’s objection could neither be examined by this Court nor could have been done so by the High Court for the simple reason that the Court cannot take upon itself the function of the appointing authority in order to judge the suitability of a candidate.”*

**15.** The Committee is best placed to assess the capabilities, academic background, aptitude, demeanor, and suitability of candidates. Judicial review of such assessments is not warranted unless it is demonstrated that the process was marred by arbitrariness or *mala fide* intent. In the instant case, no such glaring infirmity or procedural impropriety has been brought forth. The Court, therefore, refrains from stepping into the exclusive terrain reserved for administrative discretion.

**16.** The petitioner has alleged favoritism and nepotism; however, these allegations remain unsubstantiated. The assertions rest solely on conjecture and oral averments, unsupported by documentary evidence. The Court cannot place reliance upon such vague allegations to unravel or undo an otherwise lawful recruitment process. If such unverified claims are permitted to prevail, it would open floodgates for indiscriminate litigation and cast aspersions upon the sanctity of institutional recruitment.

**17.** The Honourable Supreme Court of Pakistan, *in the case of Arshad Ali Tabassum v. The Registrar, Lahore High Court, Lahore (2015 SCMR 112)*, has held as under:-

*“As far as the contention of the petitioner that he was not recommended for appointment by the committee due to the malice on the part of the members of the interview Committee for the reason that his services were terminated as Civil Judge on the charge of misconduct, is concerned, suffice it to observe that according to the established principle of law this Court cannot substitute opinion of the Interview Committee on the bald allegation after losing the chance in the interview.”*

**18.** Furthermore, the parameters and criteria for recruitment and appointment are to be set by the competent authority. The Court cannot mandate or formulate alternative criteria. It is incumbent upon the official respondents to adhere to rules and ensure fairness, but the threshold for judicial interference remains high and limited to egregious breaches.

**19.** Precedents of the Honourable Supreme Court inter alia, clearly delineate the limits of judicial review in recruitment matters and reiterate that judicial scrutiny does not extend to reevaluation of interview scores or assessment unless it is demonstrably arbitrary or discriminatory. The

Honourable Supreme Court in the case of *Muhammad Ashraf Sangri v. Federation of Pakistan and others* (2014 SCMR 157), has held as under:-

*“136. It is an admitted position that although the petitioner had cleared the written examination but he had failed in the interview/viva voce which was a pre-condition before he could be appointed as a member of the Central Superior Service of Pakistan. It would be seen that the written test is designed essentially to gauge a candidate’s familiarity with the subjects which he has chosen to offer for this purpose plus his power of expression etc. Hence the written test does not gauge the personality of the candidate or his communication skills or his leadership or decision making abilities which are left to be examined at the time of interview. The Central Superior Service of Pakistan is not merely any type of service but should only admit such persons in its fold who have a well-rounded personality, a grasp over national and international affairs, balanced sense of judgment, maturity and stability, good communication skills and leadership as well as decision making abilities. This is for the simple reason that very important matters of the State and the country are entrusted to the members of the Central Superior Service and if persons of low intellectual quality or feeble personalities enter the same, the entire country suffers. When the petitioner sat for the SSC Examination he knew very well that not only did he have to pass the written test (when he did) but also the interview in which he failed. Essentially on interview is a subjective test and it is not possible for a Court of law to substitute its own opinion for that of the Interview Board in order to give the petitioner relief. What transpired at the interview and what persuaded one member of the Board to award him only 50 marks is something which a Court of law is certainly not equipped to probe and to that extent we cannot substitute our own opinion with that of the Interview Board. Obviously if any mala fides or bias or for that matter error of judgment were floating on the surface of the record we would have certainly intervened as Courts of law are more familiar with such improprieties rather than dilating into question of fitness of any candidate for a particular post which as observed above is subjective matter and can best be assessed by the functionaries who are entrusted with this responsibility, in the present case, the Public Service commission. For this proposition the case of Federation of Pakistan through*

*Secretary Establishment Division v. Ghulam Shabbir Jiskani (2011 SCMR 1198) can be referred to.”*

**20.** It is admitted that the petitioner could not qualify in the interview. His allegations require factual inquiry, which falls beyond the scope of constitutional jurisdiction. In absence of any compelling evidence pointing to *mala fide* or gross illegality, this Court cannot grant the relief sought.

**21.** In view of the foregoing discussion and settled jurisprudence, the petitioner has failed to make out any case for issuance of the desired writ. The instant petition, being devoid of merit, is accordingly dismissed, along with pending applications, if any.

Judge

Judge

ARBROHI