

IN HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P No. D-3539 of 2022

[Aisha Anum and others v. Province of Sindh and Others]

C.P No. D-307 of 2023

[Sumbal Zaman v. Province of Sindh and Others]

C.P No. D-610 of 2023

[Raja Mahadve v. Province of Sindh and Others]

Before:

Mr. Justice Arbab Ali Hakro

Mr. Justice Riazat Ali Sahar

Petitioners by : Aisha Anum, Shahnaz Naz and
Nimra [C.P. No.D-3539/2022] and
Sumbal Zaman [C.P. No.D-307/2023]
through Mr. Shakeel Ahmed Zai,
Advocate.
Raja Mahadave [C.P. No.D-610/2023]
through Mr. Kewal Kumar, Advocate.

Respondents by : Mr. Rafique Ahmed Dahri, A.A.G.
Sindh.
Mr. Muhammad Arshad S. Pathan
representing Respondent-
Agricultural University, Tando Jam.

Date of Hearing : **11.03.2025**

Date of Decision : **08.05.2025**

JUDGMENT

RIAZAT ALI SAHAR, J.:- Through this consolidated judgment, we seek to adjudicate the aforementioned petitions collectively, as they encompass analogous legal issues, closely related factual circumstances, and nearly identical reliefs sought.

2. The matter before this Court concerns the appointment of Assistant Research Officer (BS-17) in **Plant Pathology Line** and **Entomology Line** within the Agriculture,

Supply & Prices Department of the Government of Sindh. In the recruitment process, conducted through the **Sindh Public Service Commission**, after scrutiny of documents examination slips were issued to the petitioners as the petitioners duly met the prescribed eligibility criteria for the aforementioned posts. They successfully cleared the initial two stages of assessment, namely the eligibility evaluation and the written examination. In their petitions, the petitioners have also stated that qualification for the posts mentioned in the advertisement as under:-

- (I) M. Sc (Agri.) in Plant Pathology at least 2nd Division from a recognized University acquired after obtaining Bachelor's Degree in Agriculture Science.
- (II) M. Sc (Agri.) in Entomology at least 2nd Division from a recognized University acquired after obtaining Bachelor's Degree in Agriculture Science.

3. After successfully passing the written examination and qualifying for the interview, the petitioners were directed to submit their documents and academic certificates, which they duly submitted. However, despite this, the petitioners were issued deficiency / rejection letters by respondent No.5, the Assistant Director, Sindh Public Service Commission, on the ground that they did not fulfill the requirements as per the advertisement. In particular, the petitioner, Raja Mahadave, was issued a letter stating therein that although he had applied and passed the test under the Urban Quota, he subsequently claimed entitlement under the Rural Quota. Upon verification, it was found that he

had originally qualified under the Urban Quota and had not passed the written test under the Rural Quota.

4. The petitioners have stated that the Plant Protection is a broader term encompassing all studies related to plants, their diseases, and protection; thus, **Entomology** and **Plant Pathology** are considered integral subjects within the discipline of Plant Protection (*encompasses the various strategious and techniques used to safeguard plants from damage caused by pests, diseases and weeds*). The degree of M.Sc. (Agri.) (Hons) in Plant Protection is recognized as qualifying for both the Entomology (*the Scientific study of insects, their relationship with humans, the environment and other organisms and their roles in diverse fields like agriculture, health and ecology*) and Pathology (*the branch of medical sciences focused on the study and diagnosis of disease*) lines, depending on the student's thesis or research work. They have stated that a student who conducts his thesis/research work on topics related to insects, insect pests or mites is regarded as an Entomology line candidate, whereas a student who conducts thesis/research work on pathogens (*any organism or agent, such as a virus, that can cause disease*) or microorganisms (*tiny living things that are too small to be seen with naked eye*) is considered under the Pathology (*the branch of medical science focused on the study and diagnosis of disease*) line and despite this established understanding, respondent No.5 failed to consider these aspects and unjustly issued deficiency letters to the

petitioners, thereby prejudicing their fundamental rights guaranteed and protected under the Constitution of the Islamic Republic of Pakistan, 1973. They stated that to seek clarification, the Commission approached the Dean and Chairman, Department of Plant Protection, Sindh Agriculture University, Tando Jam, who jointly issued a letter bearing No.DEAN.FCPT./433/of 2022, dated 31.10.2022, in response to the Commission's inquiry regarding the eligibility of candidates for appointment in the Agriculture Research Wing. In this letter, both heads of departments recommended that the petitioners, along with two other candidates, be accommodated as eligible since they conducted their thesis/research work in the relevant fields of Entomology and Pathology. However, the official respondents failed to consider this recommendation. The petitioners have further stated that the Agriculture & Wildlife Department, Government of Sindh, issued a letter bearing No.SO(AIV)2(1)93-II, addressed to the Secretary, Sindh Public Service Commission (SPSC), advising that students holding an M.Sc. (Agri.) (Hons) in Plant Protection, with thesis/research work relevant to either the Pathology or Entomology line, should be deemed eligible for the posts in question. Nevertheless, respondent No.5 has refused to comply with this directive from the competent authority. They further submitted that their case is similar to that in C.P. No.D-3288/2022, 3247/2022, 3305/2022, 3314/2022, and 3329/2022, which were decided by this Court vide order dated 17.11.2022 in favor of the petitioners therein; hence, the present petitioners are

also entitled to similar relief. Specifically, petitioner Raja Mahadave stated that the respondent-Deputy Director (R-II), SPSC, through its impugned letter dated 29.03.2023, passed an order without applying judicial mind and without affording him an opportunity of hearing. The respondent illogically concluded that *"as already stated, the appellant holds domicile of a Rural area and when the marks obtained by him in the written test were subsequently considered under the Rural Quota, he failed,"* without disclosing any record of the petitioner's marks transfer from Urban to Rural Quota. The petitioner maintains that he had successfully cleared all phases of the selection process, but the respondents, by raising unwarranted and technical objections, deprived him of his right to service, therefore, he, too, is entitled to relief as an eligible candidate, in par with others. Consequently, the petitioners have approached this Court, seeking the following reliefs:

CP No. D-3539 of 2022

- a). *Direct the Respondents to consider the petitioners as eligible candidates and allow them to appear in interview as provided under articles 25 Equality of citizen of constitution of Islamic Republic of Pakistan and issue them appointment orders.*
- b). *To declare that the failure of the respondents by not considering the case of the petitioners is illegal, malafide, capricious, arbitrary and against the law.*
- c). *To stay the process of interview which is being held by official respondents as the same is being conducting without considering the eligible candidates.*
- d). *Any other relief(s) which this Honourable Court deems fit, just and proper in favour of the petitioner.*

CP No. D-307 of 2023

- a). *Direct the Respondents to consider the petitioner as eligible candidate and allow her to appear in interview as provided under articles 25 Equality of citizen of constitution of Islamic Republic of Pakistan and issue her appointment order if she declared pass for the above subject post.*
- b). *To declare that the failure of the respondents by not considering the candidature of the petitioner or the above subject post, is illegal, malafide, capricious, arbitrary and against the law.*
- c). *To stay the announcement of results without conducting of interview of petitioner which has been held by official respondents as the same has been conducted without considering the eligible candidates.*
- d). *Any other relief(s) which this Honourable Court deems fit, just and proper in favour of the petitioner.*

CP No. D-610 of 2023

- a). *To declare the impugned order as illegal and unlawful.*
- b). *To declare the rejection letter NO.PSC/RS-I/2022/8208 dated 22.11.2022 null and void and ab initio by declaring the petitioner fail on ground of Urban to Rural quota.*
- c). *To direct the respondents to produce the written record of the petitioner.*
- d). *Direct the respondents to consider the petitioner as successful in all process and allow him to appear in interview as provided under articles 25 Equality of citizen of constitution of Islamic Republic of Pakistan and issue them appointment orders.*
- e). *Any other relief(s) which this Honourable Court deems fit, just and proper in favour of the petitioner.*

5. Notices were issued to the respondents as well as Additional Advocate General Sindh.

6. The respondents, namely the Chairman, Secretary, Assistant Controller Examinations, Assistant Director and Deputy Director (R-II) of the Sindh Public Service Commission (SPSC),

have filed their para-wise comments and reply to the petition. In their response, they stated that the SPSC, as an independent institution of the Province of Sindh, holds no prejudice or personal animosity against any candidate, including the petitioners. They maintain that the Commission provides a uniform, transparent and impartial platform for all candidates, ensuring a level playing field free from discrimination based on caste, creed or colour. They further stated that the petitioners' qualification in the pre-interview assessment itself evidences the fairness of the process. The respondents stated that all candidates were provisionally allowed to appear in the pre-interview written test for the post of Assistant Research Officer (BPS-17) in the Plant Pathology / Entomology Line under the Agriculture Supply and Prices Department, with clear instructions on the admission slips stating:

- *“Eligibility of the candidates in terms of Recruitment Rules and conditions mentioned in the advertisement shall be determined after the conduct of professional/screening test/examination. Upon detailed scrutiny of the applications and documents, if found ineligible, the candidature will be cancelled irrespective of whether the candidate has appeared in the examination/test or even qualified therein.”*

They referred to Advertisement No.05/2021 and stated that, as per the Recruitment Rules of the Administrative Department, the required qualifications were clearly mentioned therein, and the SPSC is bound to adhere strictly to the Rules provided in the requisition form and the Recruitment Rules furnished by the

Administrative Department. Specifically, the respondents stated that:

- *Petitioner Miss Aisha Anum does not possess an M.Sc. in Plant Pathology, as required by the advertisement and Recruitment Rules, but instead holds an M.Sc. in Plant Protection.*
- *Petitioner Shahnaz failed to produce an M.Sc. (Agri.) in Entomology (at least Second Division) from a recognized university, which was a mandatory requirement after obtaining a Bachelor's degree in Agricultural Science.*
- *Petitioners Ms. Nimra and Ms. Sumbal Zaman do not possess the requisite qualification of M.Sc. (Agri.) in Plant Pathology (at least Second Division) from a recognized university. Instead, they hold degrees in Plant Protection, which is contrary to the stipulated Recruitment Rules and requisition form.*

In respect of petitioner Raja Mahadave, the respondents stated that there was tough competition under the Rural Quota compared to the Urban Quota. Although, he belongs to Nawabshah, a District categorized under the 'Rural Quota', he maliciously applied online under Sukkur 'Urban Quota' to secure a position. Consequently, he provisionally qualified the pre-interview written test under the Urban Quota. However, he subsequently submitted an application dated 28.10.2022, requesting a change of quota from Sukkur Urban to his actual native place, Nawabshah (Shaheed Benazirabad). In light of this request, the Commission re-evaluated his result under the Rural Quota and found that he did not qualify under that category,

resulting in the cancellation of his candidature. Accordingly, they deny all allegations levelled by the petitioners.

7. It is pertinent to mention that for addressing the issues involved in the matter, notices were issued to the Higher Education Commission (HEC) which is highest forum in our country regarding evaluation of Equivalence Certificates for its opinion regarding the issuance of an Equivalence Certificate, if deemed necessary, as well as to the Attorney General for Pakistan for suitable assistance. In response, the HEC submitted its report dated 02.10.2023, which is available on record and for the sake of convenience, the relevant portion of the letter is produced as under:-

“This is to inform that in opinion of the subject experts, since the scheme of study and most of courses covered in degree of M.Sc (Agricuture) Hons. In Plant Protection as awarded to you by Sindh Agriculture University Tando Jam is not related to the subject of Entomology, therefore, the degree may not be considered relevant in cases where applications against job vacancies with a corresponding degree in the subject to Entomology are involved.

It should however be noted that determining the candidate’s suitability for a specific position is the prerogative of the employer in accordance with its recruitment rules and that the Higher Education Commission (HEC) of Pakistan plays no role in such matters.”

Subsequently, to assist in resolving the controversy raised in the instant petition, this Court sought assistance from

Professor Dr. Abdul Mubeen Lodhi (DASAR Director), Professor Dr. Imtiaz Ahmed (Chairman, Plant Protection), and the Vice Chancellor of Sindh Agriculture University, Tando Jam. They appeared before the Court and submitted their comments through Mr. Muhammad Arshad S. Pathan, Advocate.

8. The learned counsels for the petitioners have contended that the petitioners possess M.Sc. (Hons.) degrees in Plant Protection, which, by nature, include the fields of Plant Pathology and Entomology. They have contended that Plant Protection is a broader domain and Plant Pathology is a sub-field within it; thus, their qualification fulfills the eligibility criteria for the advertised posts. They have pointed out that letters from the Dean and Chairman of Sindh Agriculture University, Tando Jam confirmed the petitioners' eligibility based on their thesis/research work in relevant specialized fields. They have also contended that the Government of Sindh's Agriculture & Wildlife Department also directed the SPSC to consider such degree holders eligible. Learned counsel have also referred to the precedent exists as identical issues was decided in favor of similarly placed candidates by this Court in C.P. No.D-3288/2022; that the Petitioners were unfairly and unlawfully rejected despite passing written exams and fulfilling the eligibility in spirit; that in the case of Raja Mahadave, even if the quota issue arose, no lawful or transparent process was followed for shifting from Urban to Rural quota evaluation.

9. Learned A.A.G. Sindh has contended that the SPSC followed a transparent, impartial and uniform recruitment process. He has contended that the admission to the written test was provisional, subject to later verification of eligibility as per Recruitment Rules and advertisement conditions. He has further contended that the Recruitment Rules strictly required a M.Sc. (Agri.) in Plant Pathology or Entomology, not in Plant Protection. He has further contended that the Petitioners failed to meet the strict qualifications laid down; Plant Protection is a broader degree but not automatically equivalent. In respect to the case of Raja Mahadave, learned A.A.G. Sindh has contended that he originally applied under Urban Quota but later tried to switch to Rural Quota after the test, where he did not meet the required marks.

10. Learned D.A.G. for Pakistan representing the Higher Education Commission of Pakistan (HEC) has contended that as per HEC and National Agriculture Education Accreditation Council (NAEAC), Plant Protection and Plant Pathology are separate disciplines. He further contended that only some courses overlap however, core subjects differ significantly. He has further contended that equivalence of degrees is the exclusive domain of **HEC being a highest forum regarding evaluation of Equivalence Certificates** and no “Equivalence Certificate” issued by HEC was produced by the petitioners in the instant petition, as such, without formal equivalence, Plant Protection degrees cannot be treated as equivalent to Plant Pathology degrees for recruitment purposes.

11. Learned Counsel for Agricultural University, Tando Jam has contended that the University of Tando Jam acknowledged that Plant Protection includes both Entomology *(the Scientific study of insects, their relationship with humans, the environment and other organisms and their roles in diverse fields like agriculture, health and ecology)* and Plant Pathology *(the branch of medical sciences focused on the study and diagnosis of disease)* aspects depending on thesis/research specialization. He has contended that the students specializing via their thesis in relevant fields (either Entomology or Plant Pathology) should be considered eligible, as endorsed in their clarification letter to SPSC. He has further contended that the University supports the petitioners' claim for eligibility based on subject specialization at the thesis level.

12. We have heard the learned counsel for the petitioners, learned A.A.G. Sindh, learned D.A.G. for Pakistan, learned counsel on behalf of Agricultural University Tando Jam and perused the entire material available on record very carefully.

13. After having meticulous attentive sight over these matters, we found that the controversy in these petitions centers on whether the degree of M.Sc. (Agri.) (Hons) in Plant Protection, with thesis specialization in either Plant Pathology or Entomology, satisfies the eligibility criteria prescribed for the advertised posts requiring M.Sc. (Agri.) in Plant Pathology or Entomology; whether the Sindh Public Service Commission (SPSC) acted lawfully in rejecting the petitioners' candidatures; and, whether the rejection

of Raja Mahadave's candidature on quota grounds was sustainable.

14. To address this, the Court sought academic and institutional input. The Higher Education Commission (HEC), in its report dated 02.10.2023, opined after consulting subject experts that the petitioners' degrees in Plant Protection lacked established relevance to the specific subject of Plant Pathology, which was a mandatory requirement under the Recruitment Rules. Thus, the absence of an HEC-recognized Equivalence Certificate rendered the petitioners ineligible.

15. On the other hand, the Sindh Agriculture University, Tando Jam, through its Vice Chancellor and relevant faculty, submitted that Plant Protection is a broader discipline comprising both Entomology and Plant Pathology and those students who conducted thesis research in either specialization should be considered qualified for those respective lines. This reflects an internal academic interpretation.

16. However, the curriculum document [“Curriculum Plant Protection”] as revised and published by HEC in 2015 confirms that while Plant Pathology and Entomology are components of Plant Protection, they are taught as distinct courses with specific theoretical and practical applications across the degree program. These fields are integrated but not interchangeable a nuance also supported by the HEC’s National Agriculture Education Accreditation Council (NAEAC), which

treats these as separate disciplines for assessment and qualification purposes.

17. Thus, while academic institutions may regard thesis specialization as sufficient for functional equivalence, legally and administratively, the exclusive authority to determine degree equivalence lies with HEC and in the instant case, no “Equivalence Certificates” issued by HEC were produced by the petitioners.

18. Regarding the actions of SPSC, it is evident from the admission slips and recruitment guidelines that the eligibility assessment was provisional, subject to final verification post-test. Given that the Recruitment Rules explicitly required M.Sc. in Plant Pathology or Entomology, SPSC acted within its lawful mandate in rejecting candidates who failed to meet this criterion and there appears no evidence of *mala fide* or irregularity.

19. As for petitioner Raja Mahadave, the claim of unfair treatment on quota grounds is unsubstantiated. He initially applied under ‘Urban Quota’, passed under that stream and later sought a ‘Quota transfer to Rural’ after the results. SPSC re-evaluated his marks accordingly and found him unsuccessful under the Rural Quota. This procedural decision was due to change of Quota from Urban to Rural and cannot be faulted on legal grounds.

20. The case law cited by the petitioners, particularly C.P. No.D-3288/2022 etc., is distinguishable. In those matters, the

petitioners had already obtained formal Equivalence Certificates issued by HEC. Since such certificates were not produced in the present cases, parity cannot be claimed.

21. In view of the above, these petitions lack merit and are accordingly **dismissed** along with all pending applications. However, it is observed that the positive academic stance taken by Sindh Agriculture University, Tando Jam, in favor of considering Plant Protection graduates eligible based on thesis specialization, is noteworthy and may be a valid ground for future equivalence applications before the Higher Education Commission. If HEC ultimately grants equivalence, future candidature of such students may be reconsidered by the SPSC in accordance with law, therefore, such correspondence be made with High Education Commission, Islamabad for future resolution.

22. It is further clarified that until and unless HEC formally approves such equivalence, the SPSC is bound to adhere to the Recruitment Rules framed by the Administrative Department and cannot extend eligibility beyond what is strictly prescribed.

Copy of this Judgment be communicated to Chairman SPSC and Vice Chancellor Sindh Agriculture University Tando Jam for compliance.

JUDGE

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