

IN THE HIGH COURT OF SINDH AT KARACHI

CP. No. D-1915 of 2019

(*Dr. Asha Bai v Province of Sindh & others*)

Date

Order with signature of Judge

Before:

Mr. Justice Muhammad Karim Khan Agha

Mr. Justice Adnan-ul\_Karim Memon

**Date of hearing and Order: 05.05.2025**

Mr. Ali Asadullah Bullo advocate for the petitioner

Ms. Zehra Vayani AAG

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**O R D E R**

**Adnan-ul-Karim Memon, J:** Petitioner Dr. Asha Bai requested the Court to declare the report dated July 16, 2018, as discriminatory and malicious, contrary to Supreme Court rulings. She further sought an order for her regularization upon verification of her credentials and experience.

2. The petitioner, Dr. Asha Bai, previously sought regularization as a Woman Medical Officer (BS-17) in Constitutional Petition No. 2187/2015. This Court, on May 14, 2018, directed the KDLB to reconsider her case for regularization according to Supreme Court principles. Despite this order, the respondents allegedly delayed action, leading to a contempt of court application. Subsequently, a committee was formed, which recommended another doctor, citing Dr. Asha Bai's "average" professional knowledge, lack of patient-friendliness, and insufficient hospital experience, without seeking her input. This report was submitted to this Court, and the contempt application was addressed on November 28, 2018. Dr. Asha Bai now challenges this report and the Board's resolution as arbitrary and malicious, submitting that the initial court order mandated fair consideration based on Supreme Court directives. She further submitted that the allegations against her are unfounded, as she served from 2010 to 2015, submitted all testimonials (allegedly ignored), and the "patient-friendly" issue arose during temporary, extended appointments. She asserted her qualifications and experience were sufficient for regularization, and the respondents' failure to regularize her was/is discriminatory and illegal, violating her constitutional rights to a peaceful life and equal protection under the law. She submitted that this impugned act is deliberate, malicious, and without lawful authority, warranting the Court's supervisory jurisdiction.

3. The learned AAG supported the respondent company's counsel and questioned the maintainability of this petition, noting the company is with its own non-statutory service rules.

4. We have heard the learned counsel for the parties and perused the record with their assistance and case law cited at the bar.

5. The petitioner's regularization case, ongoing since 2015 (CP 2187/2015), was sent for reconsideration in 2018, but a committee found her unsuitable based on subjective criteria. While challenging this as arbitrary, this court notes it cannot reassess her now, especially with another candidate already working on the post. In terms of the Supreme Court decision in the case of *Asif Hassan v Sabir Hussain*, **2019 SCMR 1720**, this court typically does not interfere with the expert committee's subjective evaluations under Article 199. It is the competent authority's prerogative to assess candidates, and this court cannot substitute its judgment if the chosen candidate is qualified and eligible, a principle supported by the Supreme Court in the case of *Muhammad Ashraf Sangri v. Federation of Pakistan and others* (**2014 SCMR 157**).

6. This petition is dismissed as it seeks to reopen a reassessment already conducted in previous litigation, rendering it not maintainable at this stage. All pending applications are also dismissed.

JUDGE

Head of the Cost. Benches