

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
Constitutional Petition No. D-371 of 2024  
(*Syed Taqi Raza Kazmi versus Province of Sindh & others*)

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| Date | Order with signature of Judge(s) |
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Before:

Mr. Justice Muhammad Karim Khan Agha

Mr. Justice Adnan-ul-Karim Memon

**Date of hearing and order:- 27.10.2025**

Mr. Jahangir Shams advocate for the petitioner

Ms. Saima Imdad, Assistant Advocate General

Ms. Hymaira Jatoti advocate.

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**ORDER**

**Muhammad Karim Khan Agha, J:**

The petitioner has prayed as

under:

*To declare that this Hon'ble Court may be pleased to direct the respondents to issue the appointment order in favor of the petitioner after completion of codal formalities and necessary verification without any further delay for the post of Police Constable (BPS-05) in Traffic Police and maintain the seniority of the petitioner with the batch mates.*

2. The Sindh Police invited applications for 2838 posts of Police Constable (BPS-05) in the Traffic Police Karachi through the Pakistan Testing Service (PTS). The petitioner applied, passed the physical and written tests, and was placed at serial No. 696 in the merit list. However, on 14.12.2023, the department disqualified him and 29 others, citing criminal records.

3. Counsel for the petitioner argued that under Section 15 of the Sindh Civil Servants Act, 1973, only those *convicted* for offences involving moral turpitude are ineligible for civil service. Since the petitioner had been acquitted, the denial of appointment was unlawful. He cited District Police Officer Mianwali v. Amir Abdul Majid (2021 SCMR 420) and other judgments to support his case.

4. Conversely, the learned AAG maintained that the Sindh Police Recruitment Board had rejected his selection, asserting that candidates with any criminal record are unsuitable for sensitive posts like the police.

5. The main issue is whether a person acquitted of criminal charges can be disqualified from appointment based solely on a past FIR. Under Section 15 of the Sindh Civil Servants Act, only those *convicted* of offences involving moral turpitude are disqualified. Mere registration or pendency of a case is not a ground for ineligibility. Once acquitted, the stigma of accusation ceases to exist, and such a person cannot be treated as guilty. The petitioner was acquitted vide judgment dated 29.11.2022, passed by the learned Judicial Magistrate Karachi West in criminal case No.1749 of 2022, before the issuance of Medical letter, which was later on issued to him on 2.2.2023; however at later stage vide notification dated 14.12.2023 he was declared disqualified for appointment based on such

criminal case, in which he had already been acquitted from the charges after trial; hence, there was no legal basis to deny him appointment. The Supreme Court in DPO Mianwali v. Amir Abdul Majid (2021 SCMR 420) has held that an acquitted person cannot be penalized for past allegations. However, considering the police is a disciplined and sensitive force, character verification is mandatory. While candidates with tainted backgrounds may be unsuitable, acquittal removes such disqualification.

6. Recently, on 22.10.2024, the Supreme Court, while deciding Civil Petitions No.81-K and 82-K of 2024, took a similar view. In the said case the petitioners qualified in written test and interview and were recommended for appointment but on calling their character antecedents, it was surfaced that they were found involved in criminal cases, hence their appointment was denied despite their acquittal in those criminal cases by the competent Court of law which was challenged before this Court in the writ petition which was allowed and the order of this Court was assailed by the respondent/government before Supreme Court.

7. During the course of arguments, the Assistant Advocate General relied upon paragraph 4.1.18 of the Revised Sindh Police Recruitment Policy, 2022 ('policy of 2022) in support of her contention that a convicted candidate was not eligible to be offered appointment irrespective of the nature of the offence and the period of sentence. However, the Apex Court repelled such a plea by holding as under:

*"We have heard the learned Additional Advocate General, Sindh, at great length. He has drawn our attention to paragraph 4.1.18 of the Revised Sindh Police Recruitment Policy, 2022 (Policy of 2022) in support of his contention that a convicted candidate was not eligible to be offered appointment, irrespective of the nature of the offence and the period of sentence. In response to our query, the learned Additional Advocate General could not show any other regulation, policy, or instruction that may have prescribed disqualification on the ground of mere registration of a criminal case which had ultimately led to the acquittal of an accused. Paragraph 4.1.18 of the policy of 2022 explicitly provides that "a candidate who is found to have been convicted in a Court of law in any criminal case, shall not be offered appointment irrespective of the nature of the offence and the period of sentence. A plain reading of the said provision clearly shows that the disqualification remains effective till the subsistence of the conviction. By no stretch of the imagination, the paragraph be construed as extending the disqualification to a candidate who has been acquitted upon conclusion of a criminal trial. The High Court has correctly interpreted the provisions of policy of 2022 and section 15 of the Sindh Civil Servants Act, 1973. The learned Additional Advocate General was not able to persuade us that the impugned judgment suffers from any legal infirmity requiring our interference. In the circumstances, leave is refused and the petitions are accordingly allowed."*

8. The captioned petition is disposed of with directions to the Inspector General of Police, Sindh, to reconsider the petitioner's candidature. The process shall be completed within two months, and compliance shall be reported to this Court in terms of latest decision dated 22.10.2024 of the Supreme Court in Civil Petitions No.81-K & 82-K of 2024, on the subject issue.

HEAD OF CONST. BENCHES

JUDGE