

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Const. Petition No.D-1181 of 2025

(Nizamuddin and others v. P.O Sindh and others)

PRESENT:

MR. JUSTICE ZULFIQAR ALI SANGI;

MR. JUSTICE RIAZAT ALI SAHAR;

Mr. Danish Ali Bhatti, Advocate for the petitioners.

Mr. Ali Raza Baloch, Additional A.G.

Date of Hearing & Order: **28-10-2025**

ORDER

Zulfiqar Ali Sangi J.:- Through the instant petition, the petitioners have invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, seeking a direction for their appointment to the post of Police Commando (BPS-05) in respect of the recruitment process allegedly initiated by the respondents during the year 2017-2018. However, the present petition has been filed in the year 2025, reflecting an extraordinary and unexplained delay of more than a decade. The petitioners remained indolent throughout this considerable period and have failed to furnish any plausible justification for such inaction.

2. A perusal of the record unequivocally demonstrates that the petition suffers from incurable and inordinate delay. The recruitment process under challenge pertains to the year 2017-2018, whereas the petition has been instituted long after the cause allegedly accrued. The petitioners have not offered any cogent explanation for this prolonged lapse of time. Thus, the doctrine of laches fully applies to the case at hand. The Honourable Supreme Court of Pakistan in the case of **State Bank of Pakistan through Governor and another v. Imtiaz Ali Khan and others (PLJ 2012 SC 289)** has been pleased to hold as follows:-

“Laches was a doctrine where under a party which may have a right, which was otherwise enforceable, loses such right to the extent of its endorsement, if it was found by the Court of law that its case was hit by the doctrine of laches/limitation--- Right remains with the party, but he cannot enforce it-- Limitation is examined by the Limitation Act, 1908 or by special laws which have inbuilt provisions for seeking relief against any grievance within the time specified under the law and if party aggrieved does not

approach the appropriate forum within the stipulated period/time, the grievance though remains, but it cannot be redressed because if on the one hand there was a right with a party which he could have enforced against the other, but because of principle of Limitation/laches, same right then vests/accrues in favour of the opposite party.”

3. Likewise, a Division Bench of this Court in the case of **Asghar Khan and 5 others v. Province of Sindh through Home Secretary, Government of Sindh and others (2014 PLC (C.S) 1292)** observed:

“We feel no hesitation in our mind to hold that the petition is hit by laches. The consideration upon which the court refuses to exercise its discretion where the petition is delayed is not limitation but matters relating to the conduct of parties and change in the situation. Laches in simplest form mean failure of a person to do something which should have been done by him within a reasonable time if remedy of constitutional petition is not availed within reasonable time the interference can be refused on the ground of laches. Even otherwise, grant of relief in writ jurisdiction is discretionary, which is required to be exercised judiciously. No hard and fast rule can be laid down for the exercise of discretion by the Court for grant of refusal for the relief in the exercise of extraordinary jurisdiction.”

4. Applying the aforesaid principles to the present facts, it is manifest that the petitioners neither hold any vested right to appointment nor can they now challenge a recruitment process that concluded more than a decade ago. Their prolonged silence and complacency disentitle them to claim equitable relief under Article 199 of the Constitution.

5. It is also a well-settled proposition of law that mere participation in a recruitment process or even qualifying the tests/interview does not confer upon a candidate an indefeasible or enforceable right to appointment. The competent authority retains its discretion to finalize appointments subject to law, rules, and availability of posts. Therefore, the relief sought by the petitioners is misconceived and untenable.

6. In view of the foregoing discussion, the instant petition is hopelessly barred by laches, devoid of merit, and is accordingly **dismissed**.

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