

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Petition No. D-5313 of 2024
(*Mukhtar Ahmed & others versus Province of Sindh & others*)

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:- 05.11.2025

Mr. Afaq Ahmed advocate for the petitioners

Mr. Muhammad Muddasir advocate for Respondent No.4

Ms. Tahreem Jawahery advocate for Respondent No.19

Ms. Saima Imdad, Assistant Advocate General

Muhammad Ishaque, Deputy Director Finance, Sukkur IBA University.

ORDER

Muhammad Karim Khan Agha, J: The petitioners have prayed
as under:-

1. *Direct the respondents, especially respondent No. 1 & 2, to complete the recruitment process of the petitioners which started through the advertisement;*
2. *Direct all the respondents except respondents No. 3 & 4 to scrutinize and appoint the petitioners for the posts advertised by them mentioned at annexure E on the basis of pass certificates given to the petitioners mentioned at annexure D;*
3. *Declare that the acts of all the respondents, except respondent Nos. 3 & 4 of not considering the petitioners for the posts advertised, mentioned at annexure E and depriving the petitioners of their legal and lawful rights are illegal, unilateral, unconstitutional, without lawful authority and in contravention to the provisions of Articles, 4,59,18,25 and 27 of Constitution of Islamic Republic of Pakistan;*
4. *Direct the respondents to treat the screening test conducted through advertisement mentioned at annexure A as a start of the recruitment process and consider the eligibility criteria of petitioners at the time of the conducting of the screening test including especially the upper age limit;*
5. *Direct the respondents to extend the expiry dates mentioned on pass certificates given to petitioners mentioned at annexure D until such time as was wasted by the respondents by not considering them against the advertised vacant posts;*
6. *Declare that the policy of the respondents, to the extent of interview marks against higher grades in academic degrees/certificates of the petitioners, in the notification dated 14.03.2023 mentioned at annexure G, as discriminatory, illegal, unconstitutional, void ab-initio, and direct the respondents to remove such discriminatory criterion from the recruitment process.*

2. The petitioners are candidates for various government posts in Sindh, some of whom are now overage. They claim they were misled by the respondents to apply for and pass tests conducted by SIBA with the

assurance of being hired. Despite passing, they have yet to be interviewed, and no progress has been made.

3. Learned counsel for the petitioners argued that the respondents violated their legal entitlement to be considered for the advertised posts. The test results are valid for three years, and the recruitment process, initiated through public advertisements, must be completed. Stopping the process midway violates the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974.

4. Respondent No.4's counsel stated that the Population Welfare Department Sindh advertised posts (Steno Typist BS-14) on 09.07.2023 and 13.07.2023 for candidates who passed the graduate legal test from Sukkur IBA. Many applications were received, but the appointment process was suspended following a court order in Suit No. 1564 of 2023.

5. We have heard learned counsel for the parties and have perused the material available on record with their assistance.

6. The respondents cannot halt the recruitment process midway, as doing so violates the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, and the principle of fairness in public employment. However, the suspension of appointments due to the court's prior order in Suit No. 1564 of 2023 has already been taken into its logical conclusion. This Court direct the respondents to resume the recruitment process in accordance with the rules, and present policy, ensuring that eligible petitioners are duly considered.

7. This Petition stands disposed of in the aforesaid terms.

HEAD OF CONST. BENCHES

JUDGE