

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Constitution Petition No. D- 1000 of 2024

Before;

Mr. Justice Zulfiqar Ali Sangi;

Mr. Justice Abdul Hamid Bhurgri

Petitioners : Asad Farooque, through Mr.Sohail Ahmed Khoso, Advocate

Respondents : Province of Sindh through Secretary Home Department Sindh Secretariat, Karachi and others through Mr. Ali Raza Baloch, Additional Advocate General Sindh

Date of Hearing : 17.11.2025

Date of Order : 01.12.2025

ORDER

Abdul Hamid Bhurgri, J.-Through this petition, the petitioner has prayed as under;-

- (a) To declare the act of respondents by not appointing the petitioner for the post of Driver Constable (BS-07), though the petitioner has qualified all the test and declared unfit due positive of Hepatitis C.
- (b) To direct the respondents to appoint the petitioner as driver constables BS-07 in police department, as the petitioner qualified all the test and his name is mentioned in the list of successful candidates issued by the respondents and so also petitioner is declared medical fit for appointment.
- (c) That this Honourable Court may be pleased to restrain the respondents to not issue appointment order to the candidate, till the final decision of instant petition.
- (d) To award the cost of the petition.

- (e) To grant any other relief, which this Honourable Court may deem fit and proper under the circumstances of the petition.

2. The case of the Petitioner is that the official Respondents had invited applications for appointment to the post of Driver Police Constable (BPS-07) through an advertisement published in Daily Kawish, Hyderabad. The Petitioner, claiming to be eligible, submitted his application and successfully participated in the recruitment process. He was first called for the physical and medical examination and, after completing the same, he also appeared in the written test wherein he was declared successful. Subsequently, he was called for an interview conducted on 27.02.2023, and according to the Petitioner, he was also declared successful in the said interview. However, during the medical screening undertaken by the Respondents, the Petitioner was declared Hepatitis-C positive, and on that basis, he was disqualified from appointment. The Petitioner claims that upon receiving the shocking medical report, he independently underwent another test for Hepatitis-C at Pir Abdul Qadir Shah Jeelani Institute of Medical Sciences (GIMS), Gambat, District Khairpur, where he was declared non-reactive. The Petitioner asserts that despite producing such report before the concerned authorities, he was not issued the appointment order due to political influence and ulterior motives, compelling him to file the present petition.

3. Comments have been filed on behalf of the official Respondents, wherein they have admitted that the Petitioner had applied for the post of Driver Police Constable (BPS-07) and that, upon the recommendation of the Sindh Police Recruitment Board (SPRB) dated 08.04.2024, formal approval was accorded to the DIG Police, Sukkur Range, for issuance of appointment orders in favour of successful candidates, including the Petitioner. It has further been stated that subsequently, a report was received from the office of DIG

Police, Sukkur Range, vide letter No. E-II/12323-24 dated 08.08.2024, whereby it was revealed that the Petitioner was found to be Hepatitis-C reactive. It is explained that thereafter, the case of the Petitioner was presented before the Sindh Police Recruitment Board in its meeting dated 29.08.2024, wherein it was observed that if any candidate is found Hepatitis-B, Hepatitis-C or HIV reactive at the initial screening through ELISA Method from designated laboratories, there shall be no re-screening, and such candidates shall stand disqualified without any right to appeal. Consequently, the Board recommended rejection of the Petitioner's candidature for appointment as Driver Police Constable in District Khairpur Mirs, and his disqualification was communicated through letter No. 16610-12/ESTT/T&R/G.R dated 12.09.2024, under Clause 4.1.12 of the Sindh Police Recruitment Policy, which reads as follows:-

(i) Candidates detected with Hepatitis "B" on the date of medical test will be disqualified for appointment as Police Constable / Driver Police Constable.

(ii) Similarly, all candidates who are detected in the initial test as Hepatitis "C" (ELISA or ICT Test) / Reactive will be disqualified for appointment as Police Constable / Driver Police Constable. Their qualitative test Hepatitis "C" as PCR negative will not make them eligible for appointment because such candidates cannot perform strenuous long hours duty of Police Department and there are chances of reactivation of Hepatitis "C".

In view of the above, the Respondents have prayed that the petition may be dismissed.

4. Learned counsel for the Petitioner argued that the Petitioner had successfully cleared all stages of the recruitment process, including the physical test, written examination and interview; however, he was subsequently disqualified on the basis of a mala fide and incorrect medical report showing him as Hepatitis-C reactive. It was submitted that upon receiving

this report, the Petitioner immediately approached Pir Abdul Qadir Shah Jeelani Institute of Medical Sciences (GIMS), Gambat, where a fresh test was conducted and the Petitioner was declared Hepatitis-C negative, which report has been annexed with the present Petition. It was further contended that the Petitioner fully qualifies for appointment as Driver Police Constable (BPS-07) and the denial of his appointment is motivated by political interference and nepotism. Learned counsel added that, in order to resolve the controversy, this Court vide order dated 01.10.2025 directed SSP Khairpur to arrange the medical examination of the Petitioner through Aga Khan University including PCR quantitative testing, under the supervision of an officer not below the rank of Inspector. The Petitioner complied and appeared before the concerned authority on 03.10.2025 at 10:00 a.m., and in compliance of such directions, a sealed test report was produced before the Court by the learned Additional Advocate General, which, upon being opened in Court, reflected that Hepatitis-C virus was not detected in the PCR quantitative test. Learned counsel argued that in the face of these clear and consistent medical results, the Petitioner cannot be denied appointment, and therefore prayed that the Petition be allowed and the Respondents be directed to issue the appointment order in favour of the Petitioner.

5. Conversely, learned Additional Advocate General submitted that the Petitioner was duly found Hepatitis-C reactive in the initial screening carried out through ELISA / ICT method, and in terms of the governing Sindh Police Recruitment Policy, once a candidate is declared reactive for Hepatitis-C in the initial test, he stands disqualified for appointment regardless of any subsequent results. Learned AAG emphasized that the Petitioner's case falls squarely within Clause 4.1.12 of the Sindh Police Recruitment Policy, which expressly provides that candidates found reactive for Hepatitis-

C at the initial stage are not eligible for appointment and that subsequent PCR or quantitative tests showing negative do not cure the disqualification. On such basis, it was argued that the Petitioner is rightly disqualified and the Petition merits dismissal.

6. We have heard the learned counsel for the Petitioner as well as the learned Additional Advocate General Sindh and have examined the material placed on record. Admittedly, the Petitioner had successfully cleared all stages of the recruitment process. His candidature was thereafter withdrawn solely on the ground that, during medical screening, he was declared Hepatitis-C reactive. It has also emerged from the record that the Petitioner, immediately after receiving the adverse report, got himself re-tested independently at GIMS, Gambat, where he was declared Hepatitis-C negative. In view of such conflicting medical results, this Court, in order to dispense complete justice and to avoid any prejudice to either side, deemed it appropriate to direct SSP Khairpur to ensure re-testing of the Petitioner through Aga Khan University Hospital, including PCR quantitative analysis, to be conducted under the supervision of an officer not below the rank of Inspector, vide Court's order dated 01.10.2025. The sealed report so obtained was produced in Court by the learned Additional Advocate General and, upon being opened, it reflected that the Petitioner was negative on quantitative PCR, and that Hepatitis-C virus was not detected.

7. We have further perused the comments filed by AIG on behalf of Respondent No.2 / IG Police dated 31.10.2025 wherein reliance has been placed upon Clause 4.1.12 of the Sindh Police Recruitment Policy, which provides that once a candidate is found reactive for Hepatitis-C through ELISA/ICT method, he shall stand disqualified, and any subsequent PCR negative result shall not cure such disqualification. However, it

is significant to note that Para (vi) of the same comments contains the following categorical admission:

"The Sindh Police Recruitment Board (SPRB), in the recent past has allowed re-screening through ELISA or ICT Method under the strict supervision of following designated committee in respect of the candidates who were found Hepatitis Positive in the initial screening and contest for rescreening of Hepatitis B & C."

1. DSP Welfare CPO Sindh, Karachi (Representative of CPO)
2. Doctor / Representative of Police Hospital, Karachi.

This clear acknowledgment on behalf of Respondent No.2 demonstrates that the Police Department has, in practice, permitted re-screening of candidates in similar circumstances, subject to supervision by a designated committee.

8. In light of the above admission, and without making any pronouncement on the medical fitness of the Petitioner at this stage, we deem it just and appropriate to direct that the medical screening of the Petitioner shall be re-conducted through ELISA/ICT method, strictly under the supervision of the designated committee referred to in Para (vi) of the comments filed on behalf of the Inspector General of Police, Sindh. The said exercise shall be completed within thirty (30) days from the date of this order. The Petitioner is directed to approach the office of Respondent No.2 / Inspector General of Police, Sindh, Karachi, who shall issue necessary directions to the concerned committee for compliance.

9. The Petition stands disposed of in the above terms.

10. Let copy of this order be transmitted to the learned A.A.G and the respondents for necessary compliance.

Judge

Judge