

HIGH COURT OF SINDH CIRCUIT COURT, MIRPURKHAS

C.P No.D-652 of 2025

[Shafique Ahmed & another vs. Province of Sindh & others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE RIAZAT ALI SAHAR

Mr. Feroze Ali Junejo, advocate for petitioner(s)

Mr. Muhammad Sharif Solangi Assistant A.G Sindh a/w Additional
Director Local Government (Abdul Wahab), DSP Aamir Bhatti

Date of hearing & decision: 12.11.2025

ORDER

ADNAN-UL-KARIM MEMON J.- The Petitioners have prayed as
under:-

- a. Declare the refusal to conduct medical tests as illegal, unlawful, and void.
- b. Direct the respondents to allow petitioners to undergo the medical test.
- c. Suspend the joining of other selected candidates until petitioners are allowed to appear for the medical test.

2. The case of the petitioners is that they are brothers; that on 22.03.2024, the Sindh Police Department through Advertisement dated 23.3.2024 announced 301 vacancies of Police Constable in Range Mirpurkhas Sindh, out of which 241 posts were kept for general merit. The petitioners applied, cleared the physical test, appeared in written test wherein petitioner Shafique Ahmed secured 73 marks while Humair Ahmed secured 60 marks. Thereafter the Petitioners successfully completed the selection process i.e. physical, written, and viva voce. However, their medical tests were not conducted. Petitioners claim that withholding of their medical test inspite of obtaining requisite marks is illegal and unlawful and violates their legal and constitutional rights under Article 25 of the Constitution of Pakistan. Petitioners further submit that they and their family had previously faced a false criminal case from which they were acquitted on 24.11.2023.

3. Learned AAG submitted that DIGP was the Chairman of Recruitment Committee for the post of Police Constable, Mirpurkhas Range; that the petitioners qualified physical as well as written tests but failed in final interviews; that final merit list of successful candidates was prepared and sent to the competent authority (CPO Sindh Karachi). Petitioners were not successful in the interview and their claim regarding withholding of medical tests is addressed accordingly. He prayed to dismiss the petition.

5. At this stage petitioners submitted that lower marks holders have been recommended for appointment whereas they have obtained more marks to those candidates. Be that as it may, from the record, it is evident that the petitioners successfully cleared the physical as well as written tests; they also appeared for document verification and viva voce. However, according to official record verified by the Recruitment Committee, both the petitioners failed in the final interview obtaining 21/50 and 17/50 marks, respectively.

7. It is well settled that eligibility criteria must be strictly adhered to. Courts cannot direct that a person who does not possess the required qualification be considered eligible. If a candidate is disqualified for not meeting the criteria (or failing the interview), the Court cannot "convert disqualification into qualification." The judiciary's role is limited to ensuring fairness and legality, not re-assessment or substitution of expert judgment.

8. In view of the foregoing circumstances, and after hearing the counsel for the parties, it appears that certain factual controversies have been raised with regard to preparation of final merit list, and the alleged non-consideration of eligible candidates, including the petitioner. This matter requires factual verification and scrutiny of the relevant record by the competent authority. Accordingly, the case is remitted to Inspector General of Police (IGP), Sindh, who shall constitute a committee headed by him and co-opted by two DIGPs. The said committee shall scrutinize the candidature of all concerned candidates including the petitioners, and address the issues raised in this petition in the light of the applicable Recruitment Policy and relevant Rules. The committee shall complete the exercise and take a proper decision within sixty (60) days from the date of receipt of this order. In the event that the petitioners are found eligible in all

respects, a speaking order shall be passed and appropriate action shall be taken in accordance with law.

9. In view of the above directions, this petition stand disposed of.

JUDGE

JUDGE

Karar_Hussain/PS*