

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
C.P Nos. D-308, 326, 462 & 663 of 2025

Date	Order with Signature of Judge
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Before;
Mr. Justice Arbab Ali Hakro;
Mr. Justice Abdul Hamid Bhurgri.

Date of hearing & Order
28.11.2025.

Mr. Sarfraz Ali M. Abbasi, Advocate for petitioner
in C.P Nos. D-308 & 663/25.

Mr. Muhammad Afzal Jagirani, Advocates for petitioners
in C.P No. D-462/25.

None appeared for petitioner in C.P No. D-326/25.

Mr. Liaquat Ali Shar, Additional Advocate General Sindh
for respondents a/w Panah Ali Shah, DSP Legal on behalf of
DIGP, Hyderabad, SIP Ali Dost, on behalf of SSP and DIGP,
Larkana and DSP Shoukat Ali, PTC Larkana.

Abdul Hamid Bhurgri, J.- By this common order, we intend to dispose of the captioned petitions as they arise out of the same recruitment process for the post of Police Constable (BPS-07) and involve common questions of law and fact.

2. The case set up by the petitioners is that they, being eligible, applied for the posts of Police Constable (BPS-07) in response to an advertisement dated 22.03.2024. It is averred that some of the petitioners are sons and daughters of retired police personnel or of employees who have completed 25 years of service; therefore, they claim entitlement to an additional 15 marks under the prevailing recruitment policy. The petitioners state that after scrutiny of documents and completion of formal requirements, they were declared eligible and qualified in the physical test, including measurement and running. It is further asserted that the written test was conducted on 07.09.2024 at PTS Larkana through SIBA Testing Services, wherein they secured the requisite qualifying marks and were declared successful. The petitioners maintain that after verification of their antecedents by the concerned Police Stations and Special Branch/CRO, they were called for interview

and thus completed the entire recruitment process. However, according to them, some of the petitioners were declared unsuccessful in the interview, whereas others, despite being shown as qualified, were either placed below the available vacancies and were placed in the waiting list.

3. The official respondents have filed comments wherein it is stated that the entire recruitment process was conducted strictly in accordance with the Revised Sindh Police Recruitment Policy, 2022. It is asserted therein that the written test was conducted through an independent third-party agency (SIBA Testing Services), reflecting transparency and impartiality in the process. It is further stated that interviews were conducted by a Recruitment Committee comprising senior officers and experienced professionals, and the final merit list was prepared after obtaining approval from the competent authority. The official respondents have categorically denied any allegation of political interference, nepotism or favoritism and have maintained that appointments were made purely on merit. The official respondents have also filed their statement along with a copy of letter No.4641-53/ESTT/T&R/G.R-I/2025 dated 11.06.2025 issued by the Inspector General of Police/Secretary to the Government of Sindh, Police Department, Karachi. The said letter reflects that vacancies available in each district are to be filled from the candidates on the waiting list strictly as per their turn in accordance with the Recruitment Policy, 2022. Concluding their statement, the official respondents have prayed for dismissal of the petitions.

4. Learned counsel for the petitioners, while assailing the recruitment process, advanced, inter alia, the following submissions:

- i. That candidates who had obtained comparatively lower marks in the written test were declared successful on the basis of political influence, nepotism and extraneous considerations, as the official respondents allegedly wanted to select their “blue-eyed” candidates and thus ignored merit.

ii. That some of the petitioners are sons/daughters of retired or serving employees of the Sindh Police who have completed 25 years of service, yet they were not granted additional 15 marks as envisaged by Rule 4.1.15 of the Revised Sindh Police Recruitment Policy, 2022.

iii. That in terms of Rule 4.1.16 of the said Policy, the final result, including the marks obtained in written test and interview, was required to be uploaded within one week of completion of interviews; however, the result was allegedly uploaded after about one month and, even then, the list did not disclose the marks of successful or other candidates, thereby rendering the process non-transparent.

iv. That interviews were conducted district-wise (Shikarpur, Jacobabad, Kashmore, Qambar @ Shahdadkot, Larkana) and, according to counsel, 500 candidates per day were called from 8:00 a.m. onwards. In view of biometric formalities and the requirement of giving 30 minutes for essay writing, such volume was, according to counsel, “humanly impossible” to handle in any meaningful way and the entire exercise was a mere formality.

v. That petitioners who had secured higher marks in the written test have been declared unsuccessful in the interview, whereas favoured candidates were awarded very high interview marks in order to accommodate them at the behest of political figures. This, they argue, destroyed the principle of merit, was discriminatory and unconstitutional, and even the waiting list was not prepared in accordance with actual merit.

On the strength of these grounds, learned counsel prayed for setting aside the interview process and directing fresh interviews, allegedly in line with an earlier order passed by another Bench of this Court at Sukkur in a similar matter. Learned counsel has relied upon the cases of *Imran Hussain v. Water and Power Development Authority through chairman WAPDA and 4 others*, 2011 PLC (C.S) 116, *Shabbir Hussain v. Executive District Officer (Education) Larkana and 5 others*, 2012 CLC 16, *Mohsin Raza Gondal and others v. Sardar Mahmood and others*, 2025 SCMR 104 and *Ayaz and others v. Mustafa Saeed and others*, 2025 SCMR 216.

5. Conversely, learned A.A.G. submitted that the entire recruitment was conducted strictly in accordance with the Revised Sindh Police Recruitment Policy, 2022. The written test was conducted by an independent third party, SIBA Testing Services, and the interviews were

conducted by a Recruitment Committee constituted under the Policy and comprising senior officers. This, according to him, reflects the respondents' intention to ensure transparency. Learned A.A.G. further submitted that candidates who have been selected through the process have been issued offer letters and are presently undergoing training, and relevant record has been produced. He contended that upon appointment, rights have accrued in favour of such selected candidates, who are not impleaded as parties in the present proceedings. In their absence, no relief can be granted which may adversely affect their vested rights. He also argued that the candidates on the waiting list will be appointed strictly in accordance with their merit if and when vacancies arise. According to him, the allegations of mala fides, political interference and nepotism are based on surmise and conjectures; the controversy is predominantly factual and cannot be adjudicated in writ jurisdiction, therefore, the petitions merit dismissal.

6. We have heard learned counsel for the parties at length and perused the material available on record. At the outset, it may be observed that the scope of judicial review under Article 199 of the Constitution in matters of recruitment is limited. This Court does not sit as an appellate forum over the assessment of Selection or Interview Committees. Interference is warranted only where the process is shown to be tainted by jurisdictional defects, patent illegality, mala fides or violation of express statutory provisions, and not merely on the basis of dissatisfaction with the result or on disputed factual assertions. With this legal framework in view, we now examine the individual grounds urged on behalf of the petitioners. The first challenge relates to alleged non-compliance with the provision requiring publication of the final result. For convenience, Rule 4.1.16 of the Recruitment Policy is reproduced as under:

4.1.16 Publication of Final Results.

“The final result will be the sum of total of the marks obtained in the Written Test and Interview (as well as Addl. Marks allocated to Sindh Police’s employees son/daughter). The final result showing the marks obtained in each of the attributes along with the total out of 150 marks in respect of all candidates who appeared for the Interview shall be uploaded on the official website of selected Testing Service within a week, after completion of interview”.

7. The grievance of the petitioners is that the final result was uploaded after about one month and did not reflect the detailed break-up of marks for all candidates. Even if this assertion is accepted at face value, such delay or omission, at its highest, constitutes a procedural irregularity. It is a well-settled principle of law that an irregularity unless it goes to the root of the process, results in demonstrable prejudice, or is tainted with mala fide does not provide a lawful basis to annul an otherwise valid recruitment exercise. In the present case, the petitioners have not demonstrated that the alleged delay in uploading the result or the non-publication of detailed marks materially affected their rights, altered the merit position, or resulted in any discriminatory treatment. Recruitment processes involving large numbers of candidates often entail administrative steps that may not strictly conform to ideal timelines, yet such deviations do not, by themselves, vitiate the process. Courts consistently refrain from unsettling appointments or disturbing rights that have already crystallized, particularly when the selection has been completed, appointments have been issued, and no allegation of manipulation, fraud, or favouritism has been established. Moreover, transparency in recruitment primarily requires that the prescribed procedure be followed and that candidates be treated uniformly. The petitioners could not prove that detailed marks of some candidates were concealed to their disadvantage or that selective disclosure was made to favour any individual. In absence of any material irregularity affecting merit or any element of mala fide attributable to the respondents, this ground is devoid of substance and stands discarded.

8. The second limb of the petitioners' case relates to the non-award of additional 15 marks to the candidates who are sons/daughters of retired or serving police officials having 25 years of qualifying service.

Rule 4.1.15 provides as under:

4.1.15 Additional Marks.

“Additional 15 Marks shall be given to the interview qualified candidates, who are the sons/daughters of retired employees of Sindh Police or Serving employees of Sindh Police having 25 years qualifying service”.

9. A plain and bare reading of this rule makes it abundantly clear that additional 15 marks are to be awarded to “the interview qualified candidates” that is, those who have already qualified the interview. The rule does not envisage award of additional marks to candidates who have failed in interview, nor does it operate independently of interview performance. Thus, the grievance that petitioners, who were declared unsuccessful in the interview, were not given additional 15 marks, is misconceived and contrary to the express language of the rule. The argument is, therefore, devoid of force and is liable to be repelled on this short ground alone.

10. The core grievance of the petitioners is that they secured higher marks in written test than some of the successful candidates, yet they were declared unsuccessful in interview, whereas the favoured candidates were allegedly awarded disproportionately high marks on the basis of political influence and extraneous considerations. This line of contention involves, essentially, (a) factual comparison of individual marks, and (b) an invitation to the Court to reassess the subjective evaluation undertaken by the Interview Committee. It is trite law that securing higher marks in written test does not by itself create a vested right to appointment, unless the candidate also fulfils the criteria in interview and other stages of selection. The interview is designed to evaluate qualities which a written examination cannot measure, such as personality, aptitude, communication skills, judgment, maturity and

overall suitability for service in a disciplined force. The principle has been succinctly explained by the Hon'ble Supreme Court in **Asif Hassan and others v. Sabir Hussain and others (2019 SCMR 1970)**, by observing as follows:-

“On the other hand, learned Counsel for the respondent No.1 has contended that the respondent as it would appear from the short listed candidates that he was more qualified and had a very long experience and, therefore, the official respondents ought to have given preference to respondent No.1 upon the petitioners. However, we note that the respondent's objection could neither be examined by this Court nor could have been done so by the High Court for the simple reason that the Court cannot take upon itself the function of the appointing authority in order to judge the suitability of a candidate.”

Similarly, in the case of **Arshad Ali Tabassum v. The Registrar, Lahore High Court, Lahore (2015 SCMR 112)**, the Apex Court observed as under:-

“As far as the contention of the petitioner that he was not recommended for appointment by the committee due to the malice on the part of the members of the Interview Committee for the reason that his services were terminated as Civil Judge on the charge of misconduct, is concerned, suffice it to observe that according to the established principle of law this Court cannot substitute opinion of the Interview Committee on the bald allegation after losing the chance in the interview.”

Further guidance is available in the case of **Muhammad Ashraf Sangri v. Federation of Pakistan and others (2014 SCMR 157)**, where the Honourable Supreme Court has held as under:-

“136. It is an admitted position that although the petitioner had cleared the written examination but he had failed in the interview/viva voce which was a pre-condition before he could be appointed as a member of the Central Superior Service of Pakistan. It would be seen that the written test is designed essentially to gauge a candidate's familiarity with the subjects which he has chosen to offer for this purpose plus his power of expression etc. Hence the written test does not gauge the personality of the candidate or his communication skills or his leadership or decision making abilities which are left to be examined at the time of interview. The Central Superior Service of Pakistan is not merely any type of service but should only admit such persons in its fold who have a well-rounded personality, a grasp over national and international affairs, balanced sense of judgment, maturity and stability, good communication skills and leadership as well as decision making abilities. This is for the simple reason that very important matters of the State and the country are entrusted to the members of the Central Superior Service and if persons

of law intellectual quality or feeble personalities enter the same, the entire country suffers. When the petitioner sat for the SSC Examination he knew very well that not only did he have to pass the written test (when he did) but also the interview in which he failed. Essentially an interview is a subjective test and it is not possible for a Court of law to substitute its own opinion for that of the Interview Board in order to give the petitioner relief. What transpired at the interview and what persuaded one member of the Board to award him only 50 marks is something which a Court of law is certainly not equipped to probe and to that extent we cannot substitute our own opinion with that of the Interview Board. Obviously if any mala fides or bias or for that matter error of judgment were floating on the surface of the record we would have certainly intervened as Courts of law are more familiar with such improprieties rather than dilating into question of fitness of any candidate for a particular post which as observed above is subjective matter and can best be assessed by the functionaries who are entrusted with this responsibility, in the present case, the Public Service Commission. For this proposition the case of Federation of Pakistan through Secretary Establishment Division v. Ghulam Shabbir Jiskani (2011 SCMR 1198) can be referred to.”

11. In the present case, except general assertions of favouritism, no concrete material has been placed before us to prima facie demonstrate mala fide, colourable exercise of authority or an outcome so patently arbitrary that no reasonable interview committee could have arrived at it. No specific member of the recruitment committee has been impleaded with any specific allegation, nor has any comparative chart been presented showing that unqualified or ineligible persons have been appointed in disregard of the Policy. In these circumstances, to accept the petitioners’ plea would require this Court to enter into a roving factual inquiry, re-assess interview performance, and substitute its own judgment for that of the expert body, which is impermissible within the limited contours of writ jurisdiction.

12. Another important aspect which cannot be lost sight of is that the candidates who have been selected, issued appointment orders and are presently under training are not impleaded as respondents in these petitions. Any order setting aside or materially affecting the recruitment process would directly prejudice their vested rights without affording them an opportunity of hearing, which is contrary to the

fundamental principles of natural justice. Once appointment orders are issued and the selected candidates join training, their rights cannot be extinguished or unsettled lightly or in their absence. The petitioners seek, in substance, to reverse the entire process and to disturb appointments already made, which cannot be done behind the back of such selected candidates who are necessary and proper parties to the lis.

13. Learned A.A.G has also rightly pointed out that the selected candidates have already been appointed and are undergoing training. This brings into play the well-settled *doctrine of locus poenitentiae*. While an authority may, in appropriate cases, reconsider or withdraw its tentative decision before rights are finally created, once an order of appointment has been acted upon and the appointees have joined and commenced training, the stage of locus poenitentiae stands exhausted. At that point, neither the appointing authority can, save in accordance with law for valid reasons (such as proved fraud, misrepresentation or disqualification), resile from the appointment, nor can this Court readily disturb the vested rights of such appointees on the basis of mere allegations unsupported by cogent material. In the present case, the fact that offer letters have been issued, appointments have been made and training has commenced strongly militates against the exercise of extraordinary constitutional jurisdiction to undo the entire process at the instance of unsuccessful candidates. To do so would not only unsettle the rights of those already in service, but also introduce uncertainty and instability in recruitment to a disciplined force, which is neither desirable nor consistent with the *doctrine of locus poenitentiae*. Reliance is placed in the case of ***Pakistan Railways through Chief Executive Officer/Senior General Manager, Lahore and another v. Muhammad Aslam, 2024 SCMR 97***, wherein Honourable Supreme Court of Pakistan has held as under:-

“4. A survey of the impugned judgment depicts that the respondent filed an appeal under Section 4 of the Service

Tribunals Act, 1973 to challenge the departmental order dated 02.08.2018. The respondent was absorbed as Guard Grade-I vide Notice dated 06.08.2012, but, after a lapse of six years, he was denied the absorption vide Notice dated 02.08.2018 when certain valuable rights had already accrued in his favour which could not be denied keeping in mind the principle of locus poenitentiae. It is a well settled exposition of law that the power of rescission remains with the relevant authorities to undo the action till a decisive step is taken or as long as certain rights are not created or the action was found to be patently illegal. The record reflects that the department before the learned Service Tribunal failed to justify the action of rescinding the earlier order issued in favour of respondent, therefore, the learned Tribunal reached to the conclusion that the respondent was discriminated and the action taken against him was illegal and as a consequence thereof, the service appeal was allowed”.

14. The petitioners have repeatedly used expressions such as “political pressure”, “blue-eyed” candidates and “nepotism”, yet they have not placed any tangible, documentary or contemporaneous material on record to substantiate these allegations. It is settled law that mala fides are easy to allege but difficult to prove; they must be specifically pleaded and established through reliable material. Bald and generalized assertions are not sufficient, particularly when the relief sought has the effect of invalidating an entire recruitment process and dislodging numerous appointees.

15. It is a well-settled principle that this Court, while exercising jurisdiction under Article 199 of the Constitution, cannot enter into disputed factual controversies or undertake factual inquiry to determine rights dependent upon evidence. The constitutional jurisdiction is limited to enforcement of undisputed legal and fundamental rights, and not intended to resolve factual disputes. Reliance is placed upon the case of **Mst. Kaniz Fatima through legal heirs v. Muhammad Salim and 27 others (2001 SCMR 1493)**, wherein the Honourable Supreme Court has held as under.-

“Even otherwise such controversial questions could not be decided by High Court in exercise of powers as conferred upon it under Article 199 of the Constitution of Islamic Republic of Pakistan”.

Similarly, in ***Anjuman Fruit Arhtian and others v. Deputy Commissioner, Faisalabad and others (2011 SCMR 279)***, following observations were made:

“The upshot of the above discussion is that learned single judge in chambers has rightly declined to exercise his constitutional jurisdiction in view of various controversial questions of law and facts which can only be resolved on the basis of evidence which cannot be recorded in exercise of constitutional jurisdiction. The petition being devoid of merit is dismissed and leave refused”.

16. Moreover, the core issues raised whether particular candidates obtained higher or lower marks, whether a particular interview was fairly conducted, whether a particular member of the committee was biased are all essentially factual questions better suited to appreciation of evidence before a forum of original jurisdiction. Article 199 is not intended to convert this Court into a fact-finding tribunal for every perceived grievance arising from an interview or evaluation process.

17. For the reasons discussed above, we are of the considered view that the petitioners have failed to make out any case for interference in the recruitment process in exercise of our constitutional jurisdiction. No violation of the Recruitment Policy of such magnitude has been demonstrated as would warrant the drastic relief of setting aside the entire exercise, nor has any case of proven mala fides, colourable exercise of authority or violation of fundamental rights been established. The case laws relied upon by the learned counsel for the petitioners are not applicable to the facts of the present matter as the cited precedents were decided in a distinct legal and factual context which is not analogous to the circumstances before us. Accordingly, the petitions, to the extent of the petitioners who have been declared unsuccessful, are **dismissed**, along with the listed applications.

18. However, insofar as the candidates on the waiting list and the remaining vacancies are concerned, we deem it appropriate to clarify that the official respondents shall act strictly in accordance with the

Revised Sindh Police Recruitment Policy, 2022, and shall fill the vacancies from the waiting merit list without any discrimination or deviation and strictly in accordance with law. It may also be observed that, as per letter dated 11.06.2025, the Inspector General of Police addressed the Chairmen of the Recruitment Committees, directing them to utilize the available vacancies in the recruitment process of constables strictly from the waiting merit list.

19. Let copy of this order be transmitted to the learned Additional Advocate General Sindh as well as respondents for necessary compliance.

JUDGE

JUDGE

Irshad Ali M/Steno