

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D- 1365 of 2025

[Rizwan Ali v. Province of Sindh & Others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Petitioner: Through, Mr. Sajjad Ali Zounr, Advocate

Mr. Rafiq Ahmed Dahri, Asstt: A.G. along with Jawad Ahmed Assistant Director Sindh Public Service Commission.

Date of hearing:
& Decision: 18.11.2024

ORDER

ADNAN-UL-KARIM MEMON, J - The petitioner respectfully prays that this Honourable Court may be pleased to:

- i. Declare the rejection list dated 04.07.2025, insofar as it relates to the petitioner, illegal, arbitrary, and void.
- ii. Direct respondents 03–05 to schedule and conduct the petitioner’s interview and process his candidature strictly in accordance with law.

In the alternative:

- iii. Direct respondents to produce the complete record of appointments made from 17.01.2023 onward for Hyderabad Urban quota.
- iv. Ensure merit, transparency, and fairness in the recruitment of ASIs.

2. The case of the petitioner is that he is serving as Constable in Sindh Police (SSU) and applied for the post of ASI (BPS-09) through SPSC Advertisement No. 06/2024 dated 19.07.2024. He applied against Hyderabad Urban quota, received admission slip passed the Physical Fitness Test held on 07.10.2024 and was declared successful vide press release dated 04.12.2024. The petitioner appeared in the written test dated 10.02.2025 and was declared

successful on 20.05.2025 at Serial No. 875. He thereafter submitted all the required documents within the stipulated period. Shockingly, on 04.07.2025 the petitioner's candidature was rejected on the grounds of "domicile", despite the timely submission of domicile certificate. A representation/appeal under Rule 161 of SPSC (Recruitment Management) Regulations, 2023, was filed but remained undecided; that he is a permanent resident of Municipal Committee Tando Jam, Hyderabad—classified as “Urban” by SPSC Office Order dated 17.01.2023, which was applied for several previous recruitments. The Petitioner; therefore falls squarely within the Hyderabad Urban quota. Any withdrawal of the said 2023 notification cannot operate retrospectively to the petitioner's detriment after he applied under the earlier regime.

3. Learned counsel for the petitioner submitted that SPSC's discretion is not unfettered and must be exercised transparently and objectively. Reliance is placed on 2025 SCMR 216 (Ayaz v. Mustafa Saeed), where the Supreme Court warned against favoritism and emphasized protection of merit. He argued that Rejection of the petitioner's candidature does not fall under any clause of Rule 41(c) of the SPSC Regulations, 2023. Clause 8 regarding “domicile not produced” is inapplicable as domicile was duly submitted; that SPSC is estopped from denying the petitioner Hyderabad Urban status when Tando Jam has consistently been treated as Urban for recruitment; that Advertised conditions constitute a binding promise; deviation without fresh advertisement is unlawful (2011 PLC (C.S) 455 Malik Waqas Ahmed case). The rejection is arbitrary, discriminatory, violative of Articles 4, 10-A, 25, and 27 of the Constitution, and contrary to judicial precedents including 2017 SCMR 637 and 2017 SCMR 1519.

4. Pursuant to order dated 24.07.2025, SPSC allowed the petitioner to appear in the interview on 25.07.2025 but withheld his result pending final decision of this petition. SPSC claims the petitioner initially applied with Urban domicile but submitted a Rural domicile at scrutiny stage and being a government servant cannot change domicile under Regulation 22(e) of SPSC RMR 2023. SPSC now seeks permission to announce the withheld result.

5. In view of the submissions, documents and legal position discussed hereinabove and considering that the petitioner has already been allowed to participate in the interview pursuant to the order dated 24.07.2025 with his result kept withheld it is just and proper that the matter be examined afresh. Accordingly, this court directs the Chairman, Sindh Public Service

Commission, to personally reassess the petitioner's case strictly in accordance with law, keeping in view the classification of Tando Jam as Hyderabad Urban at the time of advertisement, the petitioner's timely submission of domicile, and the relevant provisions of the SPSC Regulations, 2023. The Chairman SPSC is further directed to ensure that the petitioner's candidature is considered purely on merit, without being influenced by any earlier rejection or clerical entries, and if the petitioner is found eligible in all respects, his candidature be processed and recommended accordingly.

6. Petition stands disposed of in the above terms.

JUDGE

JUDGE

Karar_Hussain/PS*