

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No. D- 871 of 2025

Before:-

Mr. Justice Adnan-ul-Karim
Memon,
Mr. Justice Abdul Hamid Bhurgri

Petitioner : Abdul Waheed S/o Bashir Ahmed Gadani,
through Mr. Muhammad Aslam Gadani,
Advocate

Respondents :Province of Sindh & others
through Mr. Zulfiqar Ali Naich,
Assistant Advocate General Sindh

Date of hearing & order : 17.06.2026

ORDER

Adnan-ul-Karim Memon, J- Petitioner, Abdul Waheed Gadani, has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following reliefs:

a) That this Honorable Court may be pleased to direct the respondents to consider the case of the petitioner for his appointment as a Driver Police Constable BPS-07, being eligible and nominated in the final Merit List in accordance with law.

b) That this Honorable Court may be pleased to direct the respondent to consider the present Medical Reports of the petitioner, and based on the PCR test, the petitioner may be appointed on merit.

2. Learned counsel for the petitioner submitted that the petitioner had applied for the post of Driver Police Constable (BPS-07) pursuant to the recruitment advertisement issued by the Sindh Police Department. He successfully qualified the physical test, written examination, and interview, and his name appeared in the final merit list. However, during the medical examination, he was declared Hepatitis-C reactive, resulting in the withdrawal of his selection and rejection of his appointment. Learned counsel argued that after undergoing treatment, the petitioner obtained a PCR test report from a recognized laboratory showing that HCV RNA was not detected and, therefore, he was medically fit for service. He contended that despite producing the updated medical reports, the respondents refused to reconsider his case, thereby depriving him

of appointment on merit and violating his legal and constitutional rights. He prayed that the respondents be directed to consider the petitioner for appointment in light of his latest medical reports.

3. Conversely, learned A.A.G. opposed the petition and submitted that although the petitioner had successfully passed all stages of the recruitment process, he was found to be Hepatitis-C reactive during the mandatory medical screening conducted through the prescribed procedure. He added that the Medical Board at DHQ Hospital Mirpur Mathelo declared him medically unfit, whereupon his case was placed before the Sindh Police Recruitment Board, which recommended withdrawal of his selection and rejection of his candidature. Learned A.A.G. further referred to Clause 4.1.12 of the recruitment policy 2022 governing Hepatitis screening, which provides that candidates found Hepatitis-C reactive in the initial ELISA or ICT test are disqualified from appointment as Police Constables or Driver Police Constables, and that a subsequent PCR-negative result does not restore eligibility owing to the nature of police duties and the possibility of reactivation of the disease. He therefore contended that the impugned action was lawful, in accordance with the applicable recruitment policy, and the petition is liable to be dismissed.

4. After hearing the learned counsel for the parties and perusing the material available on record, this Court notes that under the Recruitment Rules-2022, a candidate for the post of Constable is required to undergo medical examination to ensure that he is medically fit and free from Hepatitis B and C infection.

5. In the present case, the petitioner contends that he is not suffering from Hepatitis C as reflected in the reports of Chughtai Laboratory.

6. The medical record placed on file reflects that the petitioner was subjected to HCV RNA detection through PCR (quantitative) testing at a recognized molecular laboratory under the Hepatitis Prevention and Control Program, Sindh. As per the report, the petitioner's blood sample was analyzed, and the result clearly stated that Hepatitis C Virus (HCV) RNA was **"Not Detected,"** indicating that no active viral load was found in the petitioner's system at the time of examination.

7. The further report shows that the test was conducted using standardized PCR methodology with a sensitivity threshold of 7.6 IU/ml, and was performed on advanced automated systems (Roche Cobas platforms), confirming the reliability of the result. A subsequent or corroborating laboratory record from another accredited facility also reflects the same finding, namely that no detectable HCV RNA was present in the petitioner's blood sample.

8. Both medical documents collectively indicate that although the petitioner was previously marked as Hepatitis-C reactive during initial screening, the later PCR-based molecular testing establishes that he is currently HCV RNA negative and does not carry an active Hepatitis C infection at the time of testing.

9. While medical assessment falls within the domain of expert bodies and this Court, in exercise of jurisdiction under Article 199 of the Constitution, ordinarily refrains from substituting its own opinion for that of medical experts, in appropriate cases it may issue directions to ensure fairness in the recruitment process.

10. In the circumstances, instead of directly adjudicating upon the petitioner's medical fitness, it would be appropriate to direct a re-evaluation of his medical status through a recognized laboratory at Sukkur. Accordingly, the competent authority of respondents is directed to send the petitioner for fresh screening and medical examination for Hepatitis B and C through Aga Khan Laboratory, Hyderabad. If the petitioner is found medically fit, he shall be considered for appointment as a Driver Police Constable in accordance with the law. The entire exercise shall be completed within two weeks, and the compliance report shall be submitted to this Court accordingly.

11. This petition stands disposed of in the above terms. Let a copy of this order be communicated to the respondents for compliance in time. In case of failure, an appropriate order shall be passed in terms of Article 204 of the Constitution.

Judge

Judge