

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitutional Petition No. D-1897 of 2025.

[*Aaqib Rehman Shar vs. Province of Sindh and others*]

Date	Order with the signature of the judges
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Before:-

**Mr. Justice Amjad Ali Bohio,
Mr. Justice Ali Haider 'Ada'.**

1. For orders on office objections.
2. For hearing of CMA No.7525/2025 (S/A)
3. For hearing of main case.

01.04.2026.

Mr. Sohail Ahmed Khoso, Advocate for petitioner.
Mr. Ali Raza Balouch, Additional Advocate General Sindh.

Ali Haider 'Ada' J.-The petitioner participated in the Combined Competitive Examination (CCE-2023) conducted by the Sindh Public Service Commission and was declared unsuccessful. Thereafter, the petitioner filed an application before the Member (Litigation) of the Sindh Public Service Commission seeking recounting/re-totaling of marks. The said application was duly entertained, and vide order dated 30.10.2025, it was determined that there was no error or discrepancy in the counting or totaling of marks. Being aggrieved by the said order, the petitioner has filed the present constitutional petition.

2. During the course of arguments, learned counsel for the petitioner fairly conceded that a statutory remedy is available under Section 161 of the Sindh Public Service Commission (Recruitment Management) Regulations, 2023, providing for representation and appeal against the decision of the Commission; however, the same has not been availed by the petitioner.

3. It is a settled principle of law that where an adequate and efficacious alternate remedy is available, a constitutional petition is not ordinarily maintainable. In the present case, the Sindh Public Service Commission (Recruitment Management) Regulations, 2023 provide a complete mechanism under Regulation 161 for filing a representation

and appeal against the impugned decision. Since the petitioner has failed to invoke the said statutory remedy, the controversy raised in the instant petition cannot be adjudicated upon by this Court in exercise of its constitutional jurisdiction. This principle has consistently been reiterated by the Superior Courts, including in the cases of **Commissioner Inland Revenue and others v. Jahangir Khan Tareen and others (2022 SCMR 92)**, **Executive Director (P&GS), State Life, Principal Office Karachi and others v. Muhammad Nisar, Area Manager, State Life Corporation of Pakistan, Peshawar Zone (2025 SCMR 249)**, and **Muhammad Safeer and others v. Muhammad Azam and others (PLD 2024 SC 838)**.

4. In view of the foregoing, the present constitutional petition is misconceived and, being devoid of merits, is accordingly dismissed.

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