

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-989 of 2026

[Muhammad Abdullah V. Pakistan International Airlines and others]

C.P. No. D-504 of 2026

[Faizan Liaqat and others V. Pakistan International Airlines and others]

Date	Order with signature of Judge(s)
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Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Zulfiqar Ali Sangi

Date of hearing and Order: 30.04.2026

Mr. Hashmat Khalid, Advocate for the Petitioners in both petitions.

Mr. Shah Hussain, Assistant Attorney General.

Mr. Khalid Mahmood Siddiqui, Advocate for Respondent-PIACL.

Mr. Muneer Ahmed, Advocate for Respondent No.2.

ORDER

Adnan-ul-Karim Memon, J. – Petitioners have filed these Constitution Petitions under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, seeking following relief:-

C.P. No. D-989 of 2026

- a) *Declare the impugned shortlisting process as illegal, unlawful, and without lawful authority.*
- b) *Direct the Respondents to produce the complete merit list and evaluation record before this Honorable Court.*
- c) *Direct the Respondents to ensure that no candidate is selected or promoted in violation of merit or established rules.*
- d) *Restrain the Respondents from taking any further steps in the recruitment process which are unfair, biased, or contrary to merit, till final decision of this petition.*
- e) *Direct Respondent No.1 to call the Petitioner for the Flight Test forthwith.*
- f) *Order re-conduct of the shortlisting process strictly in accordance with merit, transparency, and law.*
- g) *Grant any other relief deemed just and proper in the circumstances of the case.*

C.P. No. D-504 of 2026

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- b) *Direct Respondents to produce the complete merit list and evaluation record before this Honorable Court.*
- c) *Direct the Respondents to ensure that no candidate is selected or promoted in violation of merit or established rules.*
- d) *Restrain the Respondents from taking any further steps in the recruitment process that are unfair, biased, or contrary to merit, till the matter is finally decided.*
- e) *Direct Respondent No.1 to call the Petitioner for the Flight Test forthwith.*
- f) *Direct re conduct of shortlisting process strictly on merit and transparency.*
- g) *Grant any other relief deemed just and proper in the circumstances of the case.*

2. The case of the petitioners is that they applied for the post of Cadet Pilot advertised by Respondent No.1/ PIA, which engaged Respondent No.2/NTS to conduct the written examination and publish results transparently. The Petitioners appeared in the test, however due to admitted technical faults in the first examination, a second test was conducted wherein the Petitioners secured 71,89,83, and 82 marks, displayed on-screen immediately after completion; however, no official result or merit list was ever published, nor were candidates allowed to retain proof of their scores. It is urged that despite this, the Petitioners were called for an interview and duly appeared, fulfilling all requirements. However, they were arbitrarily excluded from shortlisting for the Flight Test without any reason, while candidates with lower marks were selected. It is urged that the Respondents failed to disclose the merit list, evaluation criteria, or shortlisting methodology, thereby concealing material information. The Petitioners approached the Respondents through email seeking clarification and record disclosure, but received no response, leaving him with no alternate remedy.

3. Learned counsel for the Petitioners submits that the impugned recruitment process is wholly arbitrary, discriminatory, and without lawful justification, as the Respondents failed to adhere to the advertised criteria and settled principles of public recruitment, thereby violating Articles 4 and 25 of the Constitution. It is contended that the non-publication of the merit list and marks amounts to a clear breach of transparency and principles of natural justice, as the Petitioner has a fundamental right to know the basis of his selection or rejection, and such concealment vitiates the entire process. Counsel further argues that despite securing sufficient merit, the Petitioner was unlawfully denied the opportunity to appear in the Flight Test, while less meritorious candidates were shortlisted, which constitutes hostile discrimination. It is also submitted that the recruitment process is fundamentally flawed due to admitted technical defects in the initial examination, rendering the entire exercise unsustainable in law. It is emphasized that the Respondents adopted a pick-and-choose policy without disclosing any objective criteria, giving rise to a reasonable apprehension of favoritism and misuse of authority. Learned counsel concludes that public authorities, being trustees of public power, are bound to act fairly, transparently, and strictly on merit, and any deviation from these principles warrants interference by this Honorable Court. Learned counsel submitted that the actions of the Respondents are illegal, arbitrary, and discriminatory, constituting maladministration, lack of transparency, and violation of fundamental rights guaranteed under Article 18 of the Constitution.

4. Learned counsel for Respondent No. 1 submits that the instant petitions are not maintainable and is liable to be dismissed as the Petitioners have approached this Court with unclean hands and has concealed material facts. It is

contended that a similar complaint filed by the Petitioner in C.P No.989 of 2026, regarding the alleged maladministration in the recruitment process has already been dismissed by the Wafaqi Mohtasib vide order dated 30.01.2026, which fact has deliberately not been disclosed. It is further argued that the Petitioners have failed to exhaust the available statutory remedy by not filing any representation before the President, as required under the law. Learned counsel also submits that the Petitioners were afforded full opportunity to participate in the recruitment process, including the NTS test and subsequent interview, but were not cleared in the Flight Check on merit. Counsel submits that the reply already furnished by Respondent No. 1 before the Wafaqi Mohtasib adequately addresses the Petitioner's grievances, and the same may be treated as part of the present proceedings. It is thus contended that the petitions are based on concealment and lacks merit, and is therefore liable to be dismissed with costs.

5. Learned AAG assisted by the counsel for the respondent No.2 jointly submitted that the present petitions are not maintainable, both on facts and law. At the outset, it is contended that the Petitioners are estopped from challenging the recruitment process at this belated stage, having voluntarily participated in the re-conducted test and subsequent interview without protest. A candidate, after taking a calculated chance, cannot assail the process merely upon being unsuccessful. It is further argued that the petitions suffer from non-joinder of necessary parties, as successful candidates whose rights would be directly affected have not been impleaded. On this ground alone, the petitions are liable to be dismissed. Learned counsel for Respondent No. 2 submits that NTS service is merely a specialized testing service provider acting strictly within the parameters of the Memorandum of Understanding executed with Respondent No. 1, and there exists no privity of contract with the Petitioners. The obligation of Respondent No. 2 was confined to conducting the Computer Based Test, the results of which were duly displayed on-screen immediately upon completion. There was no contractual or legal requirement to publish such results on the website, and any such demand pertains to the policy domain of Respondent No. 1. It is further contended that the Petitioner's claim is based on a misunderstanding of the testing mechanism, as on-screen display constitutes sufficient disclosure of results. The re-conduct of the test was a bona fide administrative decision aimed at ensuring transparency and fairness, and in the absence of any allegation or proof of malafide, no interference by this Court is warranted in such matters. Counsel concludes that the allegations of arbitrariness, favoritism, and lack of transparency are unfounded and exaggerated, and since Respondent No. 2 had no role in the interview or final selection process, no cause of action is made out against it. The petitions, being devoid of merit, are liable to be dismissed with costs.

6. We have heard the counsel for the parties and perused the record with their assistance.

7. At the outset, the objections regarding maintainability raised by the Respondents carry some weight but are not sufficient, in the peculiar facts of the case, to non-suit the Petitioners. Although it is correct that the Petitioners participated in the process and appeared in the interview, the principle of estoppel is not absolute in matters of public employment where allegations of arbitrariness, lack of transparency, and violation of fundamental rights are raised. Likewise, non-joinder of successful candidates, though a relevant objection, is not fatal where the grievance primarily challenges the process itself rather than individual appointments. Similarly, the objection regarding non-exhaustion of alternate remedy loses significance where the impugned actions allegedly offend fundamental rights under Articles 4, 18, and 25 of the Constitution.

8. On merits, however, the case of the Petitioners does not warrant interference in constitutional jurisdiction. It is an admitted position that due to technical issues in the initial test, the Respondents re-conducted the examination. This action, rather than vitiating the process, reflects a bona fide effort to ensure fairness and transparency. The Petitioners participated in the re-conducted test without protest and were thereafter called for interview, which demonstrates that they were duly considered in the recruitment process.

9. The principal grievance of the Petitioners pertains to non-publication of the merit list and their exclusion from the Flight Test. In this regard, it is to be noted that Respondent No. 2/NTS had a limited role confined to conducting the Computer Based Test. The record shows that results were displayed on-screen immediately upon completion of the test, and no material has been placed to establish that there existed any legal or statutory obligation upon Respondent No. 2 to publish the results on its website. The demand for publication, therefore, falls within the administrative domain of Respondent No. 1 and does not, by itself, create an enforceable right.

10. As regards the allegation of discrimination and selection of less meritorious candidates, the Petitioners have failed to place any cogent material on record to substantiate such claim. Mere assertions, without comparative data or documentary proof of merit positions, are insufficient to establish mala fide or arbitrariness. It is a settled principle that the scope of judicial review in recruitment matters is limited, and the Court does not sit as an appellate forum to reassess merit or substitute its own evaluation in place of the competent authority, unless a clear case of illegality, mala fide, or patent arbitrariness is made out.

11. The contention regarding non-disclosure of evaluation criteria and methodology, though raising concerns of transparency, does not, in the present case, invalidate the entire process in the absence of evidence showing that such non-disclosure resulted in actual prejudice or manipulation of the outcome. On the contrary, the Petitioners were afforded full opportunity at every stage, including testing and interview.

12. The objection of concealment raised by Respondent No. 1 also assumes significance, particularly in view of the undisputed fact that a similar complaint had already been adjudicated by the Wafaqi Mohtasib. While such proceedings may not strictly bar constitutional jurisdiction, non-disclosure of this fact reflects adversely on the conduct of the Petitioners.

13. Furthermore, no mala fide, favoritism, or abuse of authority has been specifically pleaded with supporting particulars, nor has any material been produced to demonstrate that the process was conducted in a manner contrary to law.

14. In view of the above, this Court is of the considered opinion that the Petitioners have failed to establish any violation of law or fundamental rights warranting interference under Article 199 of the Constitution.

15. Before parting with this order we may observe that in the interest of transparency, Respondent No. 1 is expected to ensure that, in future recruitment processes, greater clarity and disclosure of criteria and results are maintained to avoid unnecessary litigation.

16. Consequently, both petitions are dismissed along with pending application(s). However, with no order as to costs.

JUDGE

JUDGE

Ayaz Gul