

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA**

**C.P No. D-765 of 2026**

*[Sarfraz Ali Khoso Vs. Province of Sindh & others]*

**PRESENT: Mr. Justice Riazat Ali Sahar  
Mr. Justice Ali Haider 'Ada'**

**For Fresh Case**

1. For orders on M.A No.3860/2026.
2. For orders on office objection.
3. For orders on M.A No.3861/2026.
4. For hearing of Main Case.

|                        |   |                                                                   |
|------------------------|---|-------------------------------------------------------------------|
| <b>Petitioner</b>      | : | Through Mr. Javed Ahmed Soomro,<br>Advocate                       |
| <b>Respondents</b>     | : | Through Mr. Mohsin Ali Khan,<br>Assistant Advocate General, Sindh |
| <b>Date of Hearing</b> | : | 16-09-2026                                                        |
| <b>Date of Order</b>   | : | 16-09-2026                                                        |

**ORDER**

**RIAZAT ALI SAHAR, J:-** The case of the petitioner is that the petitioner appeared in the written/pre-interview test on 06.05.2024 conducted by the Sindh Public Service Commission (“SPSC”) and secured 76.5 marks, which were amongst the highest/top seven candidates’ marks. However, subsequently, the candidature of the petitioner was rejected by the respondent SPSC solely on the ground that on the relevant date, as per advertisement, he was under the prescribed minimum age by approximately 6 months and 20 days. He seeks relief with regard to condonation/relaxation of the under-age. He has referred to the judgment dated 13.11.2025 passed by this Court in C.P No.D-1691 of 2025 re: Irum Shaikh Vs. Province of Sindh and others (Circuit Court, Hyderabad, Sindh).

2. Mr. Mohsin Ali Khan, learned Assistant Advocate General, Sindh, who is present in Court in some other cases, waives notice and submits that the

condonation and relaxation of age is purely domain of the administrative department, therefore, the SPSC has no nexus with such issue and the petitioner has not approached the concerned departments for condonation/relaxation of age in accordance with law. He, therefore, submits that the instant petition is not maintainable and may be dismissed.

3. We have minutely examined the above-referred judgment, wherein initially this Court allowed the petitioner in C.P No.D-1691/2025 (Circuit Court, Hyderabad) to appear in the interview. Nevertheless, on the issue of age condonation, subsequently the petitioner in the above case obtained/possessed the top position in the merit and, therefore, her case was forwarded to the concerned department for consideration of the case of petitioner Irum Shaikh, wherein this Court also held as under;-

"8. However, the peculiar facts of the case also demonstrate that the petitioner, despite the age objection, has successfully undergone the entire competitive process and emerged as the top candidate in merit. She has otherwise fulfilled the academic and professional requirements prescribed for the post, and there is nothing adverse on record regarding her performance or eligibility except the age bar, which is essentially a policy matter, falling within the domain of the administrative department."

9. It is settled law that this Court ordinarily refrains from interfering in policy matters concerning the fixation of age, qualifications, or other criteria for public employment. However, where a candidate has demonstrated exceptional merit and has been provisionally subjected to the complete selection process pursuant to the Court's orders, it becomes incumbent upon the competent authority to evaluate her candidature strictly in accordance with the recruitment rules applicable to the post, and to determine if so warranted under the law whether any modification or relaxation within the permissible framework is required, while keeping in view the equitable considerations and the circumstances in which she was allowed to participate in the interview.

10. In the circumstances, and without entering into or dilating upon the validity, propriety, or correctness of the prescribed upper or lower age limits under the relevant recruitment rules, we are of the view that the interests of justice would be sufficiently served if the competent authority independently examines the petitioner's case on its own merits. This shall be done equitably, duly because she has successfully qualified the written component, was provisionally interviewed pursuant to this Court's order, and presently stands at the top of the merit list, as well as keeping in view the comparative criteria adopted in similar posts within the College Education Department. The Secretary, School Education & Literacy Department, Government of Sindh, is therefore directed to undertake this exercise strictly in accordance with law and to pass a reasoned, speaking order within four weeks of receiving this judgment. Let a copy of this judgment be

sent to the Secretary, School Education & Literacy Department, Government of Sindh and Chairman, Sindh Public Service Commission for compliance."

4. Under the above circumstances, this Court does not interfere in the matter, which falls within the domain of the administrative authority. The SPSC has no power to condone/relax the age of any candidate, as it conducts the examination under the prescribed policy of the administrative departments and recommends the candidates for their appointment. The petitioner, therefore, has to approach the concerned administrative department for consideration of his case in accordance with law. Consequently, the instant petition, being misconceived and not maintainable is **dismissed** in *limine*, along with pending application(s), if any.

**JUDGE**

**JUDGE**

Zulfiqar