

IN THE HIGH COURT OF SINDH, KARACHI

**C. P. NO. D-4126 / 2025
(Rana Waseem Vs. Province of Sindh & Others)**

Present:

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and order: 20.08.2026.

Mr. Abdul Salam Memon, Advocate for Petitioner.
Mr. Zohaib Sarki, Additional Advocate General Sindh.
Dr. Asif Ali Korai, AC(R) Keamari on behalf of
Deputy Commissioner Keamari.
Inspector Mansoor Ahmed Abbasi, KPO.

Adnan-ul-Karim Memon, J. The Petitioner Rana Waseem has filed this Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan seeking the following reliefs: -

- “a. Declare and direct the respondents for immediate issuance of appointment order of the petitioner as Police Constable in view of completing all codal formalities from the date when his batch mates were issued appointment orders.
- b. Declare the inaction of respondents for issuance of appointment order of petitioner as illegal and discriminatory.
- c. Direct the respondents that after issuance of appointment order per clause (a) of prayer, other ancillary benefits including pay be also given to the petitioner along with his batch mates.”

2. Learned counsel for the petitioner submitted that the petitioner was duly selected on merit for appointment as Police Constable after completing all prescribed tests and codal formalities, and his name was included in the final merit list approved by the Sindh Police Recruitment Board. He contended that despite being medically fit and recommended for appointment, the petitioner was not issued an appointment order. He further submitted that the criminal case relied upon against him had already culminated in his acquittal on 30.03.2022, much before the approval of the merit list, and his name was also not included in the subsequent disqualification list. He therefore argued that withholding his appointment was unlawful and discriminatory, particularly when similarly placed candidates had been appointed, and prayed for issuance of his appointment order with consequential benefits.

3. Learned AAG, while opposing the petition, submitted that although the petitioner had initially been selected, verification of his credentials revealed adverse material. It was stated that his Domicile/PRC (Form-D) was reported as fake and that he was also found involved in a criminal case. Consequently, his case was placed before the Sindh Police Recruitment Board, which withdrew his selection along with other candidates. He relied upon the Sindh Police Recruitment Policy, 2022 and submitted that candidates having criminal antecedents were subject to scrutiny regarding their suitability for appointment. It was further contended that the petitioner was disqualified on account of both his alleged fake domicile and criminal record, and therefore the petition was liable to be dismissed. He pointed out that subsequently, however, pursuant to the Court's direction dated 06.03.2026, the Domicile/PRC record was re-examined, and the concerned authority reported that the petitioner's Domicile and PRC (Form-D) were available in the official record and had been found genuine and correct.

4. Learned counsel for the petitioner, in rebuttal, submitted that the objection regarding the petitioner's Domicile and PRC (Form-D) being fake no longer survives, as the same has subsequently been re-examined by the competent authority pursuant to the Court's direction and has expressly been verified and confirmed as genuine and correct. He contended that, once the purported defect in the petitioner's domicile credentials stands conclusively dispelled, the respondents cannot rely upon the earlier adverse report to withhold his appointment, particularly when the petitioner had already been selected on merit, and his criminal case had culminated in acquittal prior to the recruitment process. He therefore maintained that there remains no lawful impediment to issuance of the petitioner's appointment order and that withholding the same is unjustified and discriminatory.

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

6. the Supreme court in the case of Abdul Gani and others Vs province of Sindh and others held that the petitioners had participated in the recruitment process for Police Constables but were denied appointment on account of their previous involvement in criminal cases, which had subsequently been disposed of through 'C' Class cancellation, compromise under Section 345(2), or acquittal under Sections 249-A and 265-K Cr.P.C. The Supreme Court noted that the impugned High Court judgment did not specify the particulars of the criminal cases or the manner of the petitioners' acquittal. The Supreme Court further noted that, according to the petitioners, they had been acquitted before the recruitment process and no criminal case was pending against them when they applied. The Supreme Court also took note of the High Court's clarification that cases cancelled under 'C'

Class would not be affected by its judgment and were to be considered in accordance with law. The Supreme Court thereafter examined the Sindh Police Recruitment Policy, 2022, particularly Clause 4.1.18 as amended on 05.08.2022. Under the amended provision, where investigation or trial in a criminal case was pending against a candidate, his selection could be cancelled after six months from publication of the final merit list if he was not cleared earlier; however, if the candidate was subsequently cleared within six months, his acquittal or case was to be scrutinized by the Sindh Police Recruitment Board to determine his suitability for appointment. Thus, the Supreme Court found that mere previous involvement in a criminal case, particularly where the candidate had already been acquitted or the case had been cancelled, could not by itself be treated as an absolute bar to recruitment. The relevant criminal case and the manner of its disposal were required to be examined in light of the Recruitment Policy, including the candidate's suitability for appointment. The Court accordingly emphasized that the petitioners' cases could not be rejected mechanically without determining the nature and status of the criminal proceedings in accordance with the applicable policy and disposed of the matter vide order dated 27.12.2024.

7. Deputy Commissioner, Keamari, Karachi, whereby the Domicile and PRC (Form-D) of the Petitioner was verified and confirmed to be genuine.

8. In view of the foregoing facts and the law laid down by the Hon'ble Supreme Court in *Abdul Gani and others v. Province of Sindh and others*, the objection regarding the petitioner's Domicile/PRC (Form-D) no longer survives, as the same has subsequently been verified by the competent authority and found genuine and correct. Consequently, the earlier adverse report cannot legally constitute a valid basis for withholding or withdrawing the petitioner's selection.

9. As regards the alleged criminal antecedent, the record shows that the petitioner had already been acquitted on 30.03.2022, i.e. prior to the approval of the final merit list, and there was no criminal case pending against him at the relevant time. In terms of the amended Sindh Police Recruitment Policy, 2022, as interpreted by the Hon'ble Supreme Court, mere previous involvement in a criminal case does not operate as an absolute disqualification; rather, the nature and status of the case, its ultimate outcome and the candidate's suitability are required to be examined by the competent Recruitment Board in accordance with the Policy. Therefore, the respondents could not mechanically treat the petitioner's past criminal case, which had already culminated in acquittal, as a perpetual bar to his appointment.

10. The petitioner admittedly qualified the prescribed recruitment process and was included in the final merit list after completion of the requisite formalities. His

domicile credentials have now been conclusively found genuine, while the criminal proceedings relied upon against him had already terminated in his favour before the recruitment process.

11. In these circumstances, continuation of the adverse action against him, without any subsisting lawful disqualification or fresh determination of his suitability in accordance with the Recruitment Policy, would be arbitrary, unreasonable and discriminatory, particularly when similarly situated candidates have been appointed.

12. Accordingly, the respondents cannot be permitted to perpetuate an adverse decision founded upon a factual objection which has subsequently been disproved by the competent authority. The petitioner's case is therefore required to be reconsidered strictly in accordance with the Sindh Police Recruitment Policy, 2022 and the law declared by the Hon'ble Supreme Court, and, subject to there being no other lawful impediment and fulfillment of all remaining codal requirements, his appointment as Police Constable shall be processed and an offer of appointment order needs to be issued to him accordingly. The aforesaid exercise shall be undertaken within two weeks by the competent authority.

13. This petition is allowed in the above terms; pending applications are disposed of accordingly.

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