

IN THE HIGH COURT OF SINDH, KARACHI

C. P. NO. D-2583 / 2026

(Muhammad Sheraz Vs. Province of Sindh & Others)

Present:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Muhammad Jaffer Raza

Date of hearing and order:- 24.08.2026.

Mr. Tajjammul H. Lodhi, Advocate for Petitioner.

Mr. Zohaib Sarki, Additional Advocate General Sindh.

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

- “A. To declare that the acts of the Respondents are illegal, unlawful, unconstitutional, and contrary to law, while depriving the rightfully eligible candidates to appoint source able ineligible candidates, thus declare the final merit list issued by the Respondents as null, void, and ab initio;
- B. To direct the Respondents to discharge their duties as per law and issue appointment letters to the above-named petitioner for the applied post on merit;
- C. To restrain the official respondents, their agents, employees, companions, workers, colleagues, friends, relatives, persons, and/or anyone acting on their behalf from finalizing the list of the BPS-07 candidates and restraining them from appointing any candidate to the post of BPS-07 till the final disposal of the instant petition and without due course of law.”

2. The petitioner applied for appointment as Police Constable (BPS-07) against the vacancies advertised by the Sindh Police Department on 24.03.2024 for the Karachi Region. Being eligible, he successfully passed the physical test, written test, securing 57 marks, and interview, and his name appeared in the final merit list at Serial No. 267. The petitioner had previously been nominated in FIR No. 471/2020 registered at P.S. Defence, Karachi. However, after facing trial, he was honorably acquitted by the learned 1st Additional District & Sessions Judge, Karachi (South), vide judgment dated 05.04.2021. He thereafter approached the police authorities for correction/verification of his criminal record, and his case was subsequently reviewed by the Sindh Police Recruitment Board. Character verification also revealed nothing adverse against him on the local police record. It is urged that despite his successful completion of the recruitment process and merit position, the respondents withheld/rejected his appointment on account of the previous FIR. The petitioner contends that such action is unlawful, particularly when he had already been acquitted and similarly situated candidates having criminal cases/FIRs were appointed. In this regard, the petitioner asserts that mere

registration of an FIR, without conviction, cannot by itself constitute a disqualification for public employment.

3. The petitioner's counsel alleges that the respondents' action is discriminatory, arbitrary and violative of Articles 25 and 27 of the Constitution, as he has been deprived of appointment despite being qualified, successful and placed on the merit list, while other candidates with similar criminal cases were appointed. He further contends that his departmental grievance was not properly decided and that he has no other efficacious remedy except to invoke the constitutional jurisdiction of this Court. Accordingly, the petitioner seeks a declaration that the respondents' action is illegal and without lawful authority, and a direction to issue his appointment letter for the post of Police Constable (BPS-07) in accordance with merit and law.

4. The learned AAG refuted the petitioner's claim by submitting that mere placement of his name in the merit list does not confer an indefeasible or vested right to appointment, as appointment to a police post is subject to satisfactory verification of character and antecedents and fulfillment of all prescribed requirements. It may further be contended that the petitioner's involvement in a criminal case was a relevant factor for consideration by the competent authority, particularly in view of the nature of police service, and that acquittal in a criminal case, by itself, does not necessarily preclude the department from assessing the candidate's suitability for appointment. The respondents may also assert that the Recruitment Board considered the petitioner's case in accordance with the applicable policy and, upon evaluation of his antecedents, did not recommend his appointment. The alleged appointment of other candidates cannot, in law, confer a right upon the petitioner to claim similar treatment, particularly if their cases were distinguishable on facts or considered under different circumstances. It would, therefore, be argued that no mala fide discrimination, violation of Articles 25 or 27 of the Constitution, or exercise of jurisdiction without lawful authority has been established, and that the petition, being based essentially on a claim for appointment, is liable to be dismissed.

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

6. The principal controversy between the parties is whether the petitioner, despite having qualified the recruitment process and having been acquitted in the criminal case, could lawfully be denied appointment as Police Constable based on his criminal antecedents and the assessment of the competent Police authorities regarding his character and suitability for service in a sensitive Police establishment.

7. We asked the learned AAG whether any such disqualification was provided under the applicable recruitment rules. He submitted that, at the time of recruitment,

the Sindh Police Recruitment Policy, 2022 was in force. He further submitted that, pursuant to the amendment circulated to all Ranges/Units on 05.08.2022, Para (2) of Clause 4.1.18 was substituted, providing that where investigation or trial in a criminal case was pending against a candidate, his selection could be cancelled after six months from the publication of the final merit list if he was not cleared earlier. However, the candidate would not be deemed overage on that account, and if subsequently cleared within six months, his acquittal/case was to be scrutinized by the Sindh Police Recruitment Board to determine his suitability for appointment.

8. The learned A.A.G. submitted that the petitioners' name appeared in FIR No.44 of 2021 and, therefore, fell within the scope of "criminal record," relying upon the rule of thumb and the judgment in Faraz Naveed v. District Police Officer Gujrat and another (2022 SCMR 1770), for withholding his appointment letter. However, it was not disputed that the FIRs arose out of a dispute that was settled and was earlier acquitted of the charge vide judgment dated 27.9.2021, much before initiation of the recruitment process; that the petitioners had been acquitted, and that they had successfully qualified the selection process and were recommended for appointment.

9. The respondents had not applied the parameters laid down by the Supreme Court in Faraz Naveed's case. The said judgment does not authorize a mechanical refusal of appointment merely because an FIR exists, particularly after acquittal. "Criminal record" implies consistent involvement in criminal activities, and the competent authority must form a reasoned opinion, based on relevant material, that the candidate poses a continuing threat to discipline or the departmental environment.

10. The Supreme Court in the case of Abdul Ghani & others versus Province of Sindh & others on 27.12.2024 passed the following order in CPLA Nos.529-K, 623-K and 666-K/2024. An excerpt whereof is reproduced as under: -

".....3. Today, the Deputy Secretary, Judicial, has pointed out that at the time of the recruitment, the Sindh Police Recruitment Policy, 2022 ("Policy") was in vogue and he also showed us the copy of the letter with the subject "Amendment in Sindh Police Recruitment Policy 2022" which was circulated amongst all ranges of Sindh Police on 05.08.2022. The copy of letter is reproduced as under:-

"In pursuance of recommendations of Sindh Police Recruitment Board dated 27.07.2022, duly approved by the Inspector General of Police, Sindh, the Sub-Para (2) of Clause 4.1.18 of Sindh Police Recruitment Policy-2022 circulated to all Ranges / Units vide letter No. 127-206/EB-III/T-7/S&S, dated 07.01.2022, is substituted with the following Para:-

In case a candidate against whom investigation or trial in a criminal case is pending, his selection shall be cancelled after expiry of 06 months from the publication of Final Merit list if the candidate is not cleared in investigation or that whichever is earlier. Such a candidate shall not be deemed to have become overage on this account alone.

The candidate, if cleared subsequently within 06 months, his acquittal order / case shall be scrutinized by the Sindh Police Recruitment Board for checking his suitability for appointment in Sindh Police."

4. All officers present in Court assured that the cases of the present petitioners will be revisited and considered by the competent authority in accordance with this policy and after consideration the order will be intimated to the petitioners within a period of three months.

5. The learned AAG also submits that the credentials/antecedent of the present petitioners will be considered in accordance with the aforesaid policy that has been placed today before this Court.

6. In view of the above statement these Civil Petitions are disposed of accordingly.”

11. The mechanical exercise of discretion was contrary to Section 24-A of the General Clauses Act, 1897 and violated the petitioners’ constitutional rights under Articles 18, 25 and 27 of the Constitution. Since the FIR arose from such dispute as discussed supra and there was/is no material showing any other criminal involvement, the refusal of appointment based on a mere FIR is held to be based on conjectures and surmises.

12. Accordingly, the petition is allowed, and Respondents are directed to consider the candidature of the petitioner in terms of ratio of the order dated 27.12.2024 passed by the Honourable Supreme Court in CPLA Nos.529-K, 623-K and 666-K/2024, subject to there being no adverse opinion formed in accordance with the principles laid down in Faraz Naveed’s case.

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