

IN THE HIGH COURT OF SINDH, KARACHI

C. P. NO. D-2444 / 2026

(Irfan Khan 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 for 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 sourceable 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 petitioners to their 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 case of the petitioner is that he applied for appointment as Police Constable (BPS-07) in the Sindh Police against the vacancies advertised on 24.03.2024. He successfully qualified the physical test, written/recruitment test by securing 69 marks, and interview, and his name appeared in the relevant merit list as a successful candidate for the subject post.

3. The petitioner’s counsel states that an FIR No.172/2020 was previously registered against him at P.S. Shershah; however, he faced trial and was acquitted of the charge by the Court of XVth Judicial Magistrate, Karachi (West), vide judgment dated 31.10.2020. The said acquittal was subsequently verified by the concerned police authorities, and necessary proceedings were also initiated for updating his criminal record. Thereafter, his character and antecedents were verified, and nothing adverse was found against him in the local police record. The petitioner’s counsel further submits that, pursuant to the review of candidates

whose appointments had been withheld on account of criminal-record observations, the Sindh Police Recruitment Board considered his case. It is added that the concerned authorities were also directed to produce the relevant criminal-case record. However, the Investigating Officer of the petitioner's case could not appear as he had already retired from service and was residing in Khyber Pakhtunkhwa. Subsequently, vide letter dated 18.03.2026, the petitioner's case was rejected, and his selection was withdrawn, allegedly on account of the non-appearance of the Investigating Officer. The petitioner's counsel contends that his rejection is unlawful and discriminatory, particularly when he had already been acquitted, and his character verification had disclosed nothing adverse against him. He maintains that mere registration of an FIR, particularly where the accused has been acquitted, cannot by itself constitute a lawful disqualification for public employment. He further alleges that similarly situated candidates were considered for appointment, whereas his candidature was arbitrarily declined without any lawful justification or proper opportunity of hearing. The petitioner asserts that the respondents' action violates Articles 25 and 27 of the Constitution, as he had completed the prescribed recruitment process and was otherwise eligible and qualified for appointment. He claims that despite approaching the departmental authorities, his grievance was not properly decided, leaving him with no other efficacious remedy except to invoke the constitutional jurisdiction of this Court. He seeks a declaration that the respondents' action in withdrawing/rejecting his selection is illegal, unlawful and unconstitutional, and seeks a direction to the respondents to issue his appointment letter as Police Constable (BPS-07) on merit.

4. The learned AAG, appearing for the respondents, rebutted the petitioner's case, without filing comments, by submitting that mere qualification of the recruitment tests and appearance of his name in the merit list does not confer an indefeasible right to appointment, as the final appointment is subject to verification of character and antecedents in accordance with the applicable recruitment policy. It is contended that the petitioner's previous involvement in a criminal case was duly considered by the competent Recruitment Board and, since the Investigating Officer could not appear before the Board to clarify the relevant record, the petitioner's case was not recommended for appointment. The learned AAG would further submit that the respondents acted in discharge of their statutory and administrative functions and that no mala fide, discrimination or violation of Articles 25 or 27 of the Constitution has been established by the petitioner. It is further argued that the allegation of bribery, nepotism and political influence is vague, unsupported by any cogent material and cannot form the basis for issuance of a constitutional writ. According to the learned AAG, the petitioner cannot claim appointment as a matter of right merely because he passed the recruitment stages,

particularly when his character verification and criminal antecedents remained subject to scrutiny; therefore, the petition is misconceived and 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' names 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 petitioner had been acquitted, and he had successfully qualified the selection process and was 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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