

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

C.P No. D-1691 of 2025

[Irum Shaikh v. Province of Sindh and others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Petitioner: Irum Shaikh through Mr. Ayaz
Hussain Tunio, Advocate

Respondents: Province of Sindh and others
through Mr. Rafique Ahmed
Dahri, Assistant A.A.G. Sindh.

Date of Hearing: 13.11.2025.

Date of Judgment: 13.11.2025.

JUDGMENT

RIAZAT ALI SAHAR, J. - Through this Constitutional Petition, the petitioner seeks protection of her fundamental rights on the ground that she has been unlawfully denied consideration for the post of Instructor/Lecturer (BPS-17) in the School Education and Literacy Department. The petitioner asserts that she was declared a successful candidate among 20 candidates, as reflected at Serial No.13 of the Press Release/Result Sheet duly signed by the Assistant Controller Examination, Sindh Public Service Commission (SPSC), Hyderabad, after she duly qualified the written component of the selection process. However, upon issuance of the interview schedule by the respondent-SPSC, she was informed that her candidature had been rejected on the ground that, at the time of submitting her application, she was underage by one year, one month, and four days. Aggrieved by such rejection, the petitioner preferred an appeal before the Chairman, Sindh Public Service Commission, Hyderabad, in terms of Regulation 161 of the Sindh Public Service Commission Act, 2022 (Management

and Rules). Having received no adequate remedy, the petitioner has invoked the constitutional jurisdiction of this Court, seeking the following reliefs:

- a) That, this Honorable Court may be pleased to set aside/suspend the rejection list of candidates dated 04.09.2025 being null, void, abinitio, unlawful, unjustified and unlawful whereby petitioner is not allowed to appear in interview though she obtained highest marks in written test and waiting for interview.
- b) That, this Honorable Court may be pleased to direct the respondents to allow the petitioner to appear in interview test scheduled on 08.09.2025 and 09.09.2025 at 10.00 AM or fix her interview on any other date as the interviews are continued till 11.09.2025.
- c) That, this Honourable court may be pleased to restrain the respondents from taking any adverse action against the petitioner allow her to appear in interview.
- d) Any other relief which this Honorable court deems fit and proper may please be awarded to the petitioner.

2. At the first instance notices were issued to learned A.A.G. Sindh and all the respondents and in the meantime, the respondents were directed to accommodate the petitioner for interview. They were further directed to not announce the interview results of the petitioner till final disposal of the instant petition and file comments on the next date of hearing.

3. Pursuant to notices, the respondents filed their comments. Respondent No.1, in its comments, stated that vide Notification dated 13.06.2019 issued by the School Education & Literacy Department, in pursuance of sub-rule (2) of Rule 3 of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, and in consultation with the Services, General Administration and Coordination Department, Government of Sindh, and in partial modification of the earlier notification dated 27.01.2000, the method, qualifications and other conditions for appointment to the subject post in the Directorate of Teacher Training Institutions, under the Literacy Department, were prescribed. As per the said notification, the minimum age requirement mentioned in column 2 of the table is 25 years and the maximum age is 35 years. It is further stated that, on

the basis of these parameters, the prescribed age limit of 25 to 35 years is mandatory for initial appointment against the 80% quota reserved for recruitment of Instructor/Lecturer (BPS-17) in various subjects through the Sindh Public Service Commission for the Directorate of Teacher Training Institutions, Sindh.

4. Respondents No.2 to 7 (SPSC), while reiterating the stance of Respondent No.1, stated that in compliance with the interim order of this Court, the petitioner was provisionally allowed to appear in the interview held on 11.09.2025. They further asserted that the petitioner is otherwise ineligible for the subject post because of being underage as per the prescribed criteria and therefore prayed for dismissal of the instant petition.

5. The learned counsel for the petitioner contended that the Sindh Public Service Commission had advertised vacancies in various departments, including the School Education & Literacy Department, Government of Sindh, for the post of Instructor/Lecturer (Computer Science), BPS-17. He contended that the petitioner, through the online process, duly submitted her application and was issued an admission slip for the pre-interview written test held on 08.07.2025. Learned counsel contended that, as per the press release dated 15.08.2025, the petitioner secured the highest marks i.e., 65.5 in the General Merit (Female) category; however, on 04.09.2025, an updated rejection list was issued, wherein the petitioner's name was excluded with the remarks that she was underage. Learned counsel further invited the attention of this Court to Annexure-B (page 35 of the file), contending that under the very same advertisement, the College Education Department, Karachi, had advertised posts of Lecturers prescribing the eligible age bracket as 21 to 35 years. He further contended that the petitioner has been unfairly deprived of similar consideration. He, therefore, prayed that the same treatment and age criteria applied in that department be extended to the petitioner as well.

6. Conversely, learned A.A.G. Sindh contended that the respondent-SPSC has acted strictly in accordance with the requisition

furnished by the administrative department, which prescribes the age limit for the subject post as between 25 and 35 years. He contended that the SPSC is bound to adhere to the criteria communicated by the competent department and cannot disobey or relax such requirements on its own. Learned A.A.G. further invited attention of the Court to the comments filed by Respondent No.1, wherein the prescribed age criteria, has been clearly set out. He, therefore, prayed for dismissal of the instant petition.

7. We have heard learned counsel for the parties and examined the material available on record. It is an admitted position that the petitioner applied for the post of Instructor/Lecturer (BPS-17) advertised by the Sindh Public Service Commission and successfully qualified the pre-interview written test, securing the highest marks in her category. It is also not disputed that pursuant to the interim order of this Court, she was provisionally allowed to appear in the interview. The only objection raised by the respondents relates to her being underage at the time of submission of her application. The record reflects that the minimum and maximum age limits for the subject post were prescribed by the administrative department in terms of the notification dated 13.06.2019, fixing the eligible age bracket between 25 to 35 years. The SPSC, being a constitutional body, is bound to act strictly upon the requisition forwarded by the department and cannot alter, relax, or modify the criteria independently. Thus, the objection of the respondents-SPSC that the petitioner was underage is based on the criteria communicated to it and not on any independent assessment.

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.

11. Without touching the merits of the case, this petition stands disposed of in the above terms.

JUDGE

JUDGE