THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

BEFORE:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Const. Petition No. D-465 of 2025
[Mohammad Muhsin & another Vs. Asad Ali & others]

along with

Const. Petition No. D-926 of 2025
[Muhammad Shareef Kolachi Vs. Province of Sindh & others]

Petitioners	**:**	Through Mr. Imdad Ali Tunio, Advocate (C.P No.D-465 of 2025) Mr. Nazeer Ahmed Kolachi, Advocate (C.P No.D-926 of 2025)
Official Respondents	**:**	Through Mr. Abdul Waris Bhutto, Assistant Advocate General, Sindh along with Amjad Ali, Monitoring & Evaluation Officer
Private Respondents	**:**	Nemo (C.P No.D-465 of 2025) Through Mr. Arif Ali Kalhoro, Advocate (C.P No.D-926 of 2025)
Date of Hearing	**:**	**03-11-2026**
Date of Order	**:**	**12-11-2026**

O R D E R

ARBAB ALI HAKRO, J- Both these petitions arise out of the same recruitment and turn on a common question; they are, therefore, decided by this single order.

2. The Directorate of Expanded Programme on Immunization, Health Department, Government of Sindh (hereinafter referred to as '**EPI Sindh**') advertised 715 posts of Vaccinator (BPS-06) on 06.02.2022, of which twenty were allocated to District Larkana. The advertisement set 50% marks in the National Testing Service (hereinafter referred to as '**NTS**') test as the minimum for shortlisting and reserved 15% of posts for women and 5%

each for disabled persons and minorities.[1] The NTS test was held in June 2023. The petitioners in C.P. No. D-465 of 2025 secured 75 and 70 marks and stand at serials 38 and 84 in the District Larkana result; the petitioner in C.P. No. D-926 of 2025 secured 62 marks and stands at serial 206.[2] All three were called for and appeared in the interview held between 18.11.2024 and 06.12.2024, but were not selected. Offer letters dated 28.04.2025 were issued to twenty candidates, who are arrayed as private respondents in C.P. No. D-465 of 2025, and to eleven of them in C.P. No. D-926 of 2025.[3]

3. The petitioners complain that candidates with lower NTS marks were appointed over them on the basis of political influence or for illegal gratification, in breach of Articles 4, 25 and 27 of the Constitution and of the note in the interview letter stating that selection would be "purely merit basis as per NTS". They pray for directions to issue their appointment orders. The petitioner in C.P. No. D-926 of 2025 further seeks the cancellation of the appointments of the private respondents and a direction to respondents Nos. 7 and 8 to inquire into his complaint dated 20.05.2025.

4. The Secretary of Health and the Project Director, EPI Sindh, deny the allegations. Their position is that the NTS test was a qualifying stage; that interviews were conducted by the Departmental Selection Committee (hereinafter referred to as '**the Committee**'), notified on 03.03.2020; that final selection was based on the aggregate of written and interview marks; and that several of the selected candidates had scored 82 to 88 marks in the test.[4]

5. The private respondents in C.P. No. D-926 of 2025 adopt the same position and add that two of them were selected under the female quota and one under the disabled quota.[5]

6. The District Health Officer and the Director Health Services, Larkana disclaim any role in the process.[6] The official respondents placed the Committee minutes on record.

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[1] Advertisement published in daily Dawn on 06.02.2022 (Annexure 'A' to both petitions).
[2] NTS result of District Larkana, Annexure 'I' to C.P. No. D-465 of 2025, serials 38 and 84; Annexure 'C' to C.P. No. D-926 of 2025, serial 206.
[3] Offer letters dated 28.04.2025 and list of selected candidates, Annexures 'J' to 'O' to C.P. No. D-465 of 2025 and Annexure 'D' to C.P. No. D-926 of 2025.
[4] Para-wise comments of respondents 21 and 23 in C.P. No. D-465 of 2025 and of respondents 1 and 3 in C.P. No. D-926 of 2025.
[5] Para-wise comments of respondents 11 to 19 and 21 in C.P. No. D-926 of 2025.
[6] Statements of respondents 5 and 6 in C.P. No. D-926 of 2025 dated 14.10.2025 and 15.10.2025.

7. Learned counsel for the petitioners reiterated the contents of the petitions.

8. Learned Assistant Advocate General and learned counsel for the private respondents in C.P. No. D-926 of 2025 supported the selection.

9. We have heard them and gone through the record.

10. The question is whether candidates who did not succeed on the aggregate of the written test and the interview can, on the strength of their written test marks alone, seek a writ for their own appointment and for the displacement of the selected candidates.

11. Rule 5(1) of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, as substituted on 03.03.2020, requires appointments in BPS-1 to 15 to be made through the Departmental Selection Committees.[7] By letter dated 23.08.2024, the Health Department directed that the NTS-passed candidates be interviewed by the Committee.[8] The advertisement set 50% NTS marks as the shortlisting threshold, and interview letters were issued to candidates who had passed that test. A note in a letter calling a candidate for interview stating that selection would be on merit "as per NTS" cannot be read to mean that the interview so convened was to count for nothing. The petitioners took part in the interview without demur.

12. The minutes show that each of the three members of the Committee awarded up to 33.33 marks; that the final list was drawn on the aggregate of the written test and the interview, each having an equal share; that the quotas were observed; and that twenty candidates were recommended for the twenty posts of District Larkana, out of 537 interviewed.[9] The same yardstick was applied to every candidate interviewed in the Province, and no one was assessed on a criterion withheld from the others. The petitioners have not alleged any error in the computation of the aggregate; their challenge rests on the written-test marks alone. The weight to be given to the test and the interview lies in the executive domain and is not to be recast

[7] Notification No. SORI(SGA&CD)3-76/2019 dated 03.03.2020, Services, General Administration and Coordination Department, Government of Sindh.
[8] Letter No. E&A(HD)6-40/2018 dated 23.08.2024, Health Department, Government of Sindh.
[9] Minutes of meeting of the Departmental Selection Committee (Provincial level), EPI Sindh, February 2025, filed with the statement of respondents 3 and 21 dated 03.11.2026.

in constitutional jurisdiction; only a particular mala fide act, not the yardstick, may be struck down.[10] It is equally settled that passing the written test and being called for interview create no vested right to appointment, and that, because the interview is a subjective assessment, the Court does not substitute its own view for that of the interviewing body unless mala fides, bias or error floats on the surface of the record.[11] Nothing of that kind is shown here.

13. Even otherwise, the prayer for appointment cannot be granted. On the petitioners' own showing, 37, 83 and 205 candidates from District Larkana respectively scored higher than them in the written test. Most of those candidates were not selected either, and none of them has approached this Court. After the advertised quotas, fifteen posts were left for open merit. Even if the interview were left out of account, none of the petitioners would come within the twenty posts. A direction to appoint them would place them above candidates with better marks and defeat the very merit they invoke. Where no right vests in a candidate by law, this Court cannot create one in exercise of its jurisdiction under Article 199 of the Constitution.[12] The Committee kept within the posts advertised for the district and made no addition or alteration therein.[13] The prayer for setting aside the appointments of the private respondents, therefore, fails, and in C.P. No. D-926 of 2025, the appointments of the selected candidates who are not arrayed as parties cannot, in any case, be examined.[14]

14. The allegations are bald. No particulars of any payment, person or occasion are given, and no material is annexed. The Secretary, Health, and the Project Director deny them on oath. Such allegations raise disputed questions of fact that cannot be resolved in this jurisdiction. The complaint of the petitioner in C.P. No. D-926 of 2025 is addressed to the Director General, National Accountability Bureau, who is not a party, and the prayer for an inquiry by respondents 7 and 8 is misdirected. He may pursue his complaint before the competent forum.

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[10] *Executive District Officer (Revenue), District Khushab at Jauharabad v. Ijaz Hussain* 2011 SCMR 1864.
[11] *Waheed Gul Khan v. Province of Sindh* 2024 SCMR 1701; *Muhammad Ashraf Sangri v. Federation of Pakistan* 2014 SCMR 157; *Secretary Finance v. Ghulam Safdar* 2005 SCMR 534.
[12] *Munir Hussain v. Province of Sindh* 2022 SCMR 650.
[13] *Government of Balochistan v. Muhammad Akhtar* 2025 SCMR 656.
[14] *Waheed Gul Khan* (n.11 above).

15. For the foregoing reasons, both the petitions are **dismissed** along with the pending application (s). There shall be no order as to costs.

JUDGE

JUDGE

Zulfiqar