

ORDER SHEET

HIGH COURT OF SINDH, KARACHI

C.P.NO. D-3506/2011

Date

Order with signature of Judge

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1. For katcha peshi.
 2. For hg.of Misc.16178/11

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15.05.2013

Mr. Manzoor Hussain Khoso, advocate for petitioner.

Mrs. Haleema Khan, Addl. A.G.

The petitioner alongwith other candidates appeared in the Combined Competitive Examination held by Sindh Public Service Commission. His first choice was Deputy District Officer (Revenue) and the second was that of Section Officer. There were 43 posts of Deputy District Officer (Revenue) which were allocated to 43 successful candidates who were higher on the merit list than the petitioner. The petitioner was given the department of his second choice i.e. Section Officer as is evident from the press release dated 26.01.2011 issued by Sindh Public Service Commission.

It is further the case of the petitioner that the post of second choice i.e. Section Officer was given to the petitioner only because all the posts of Deputy District Officer (Revenue) were allocated to 43 candidates who were higher on the merit list but soon thereafter the petitioner came to know that one of the candidates who was allocated the post of Deputy District Officer did not take the post as he was selected in CSS examination and opted to take a job with the Federal Government. The petitioner requested that the unfilled one post of Deputy District Officer be given to him as it was the post of his first choice. The petitioner then made a representation which was turned down, hence he filed the present petition.

In the parawise comments the stand of the Sindh public Service Commission is that once posts had been allocated, a candidate who has been allocated post in another department cannot claim that a particular post which was post of his first choice be given to him. We are of the view that whenever a post in the department which was the first choice of a candidate falls vacant the same cannot be given to a candidate just because it was originally a post of his first choice. However, case of the petitioner is different. In the present case the post did not fall vacant but was not occupied at all. Then such post had to be filled and should have been given to the candidate who was next on the merit list. The petitioner being the next in the line of the merit list should have been given the post of Deputy District Officer which was never occupied.

We are told that after selection of 43 Deputy District Officers no other batch has been selected for appointment. The forty third unoccupied post of Deputy District Officer is still lying

vacant. In the circumstances, we direct the Respondents to issue amended list placing the petitioner at Sr.No.43 on the list of Deputy District Officers so that he could be accordingly given posting. Let this exercise be completed within a period of 30 days. With these directions, this petition is disposed of.

JUDGE

JUDGE