

Judgment Sheet
PESHAWAR HIGH COURT, BANNU BENCH
(*Judicial Department*)

WP No.832-B/2022

Saqib Naveed

Vs

**Government of Khyber Pakhtunkhwa
through Chief Secretary, Peshawar, etc.**

JUDGMENT

For petitioner(s): **Nemo**

For respondent(s): **Mr. Abdul Waheed, A.A.G.**

Ijaz Khan, DSP, Karak, in attendance

Date of hearing: **05.11.2025**

MUHAMMAD TARIQ AFRIDI, J.- Despite service, neither the petitioner nor his counsel entered appearance. Ordinarily, such non-appearance would entail dismissal of the petition in default. However, this Court is mindful of its constitutional obligation to do substantial justice and not allow technicalities to defeat substantive rights. As cursory examination of the record reveals that sufficient material is available to adjudicate the matter on merits, we proceed to decide the petition accordingly.

2. Before we proceed to examine the merits of the case, it would be appropriate to unveil the facts, in brevity, as discernible from the available record. It is averred that the respondents advertised multiple vacancies for the post of

constable in the Police Department, for which the petitioner applied. After fulfilling the preliminary requirements of medical checkup, weight, height, and other physical tests including race for march fast, the petitioner was allowed to appear in the screening test conducted by the Educational Testing and Evaluation Agency (ETEA), in which he secured a position within the orbit of selection as per the first tentative merit list. It is further averred that when the second tentative merit list was prepared, the petitioner was dropped from the recruitment process on the sole ground that his chest measurement was found to be half an inch less than the prescribed standard. Aggrieved thereby, the petitioner invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution, seeking a direction to the respondents to treat him in accordance with law and appoint him on the post of police constable.

3. In their comments, the respondents have stated that the eligibility criteria for the post of police constable are prescribed under Rule 12.15 of the Police Rules, 1934, and Standing Order No.26/2014 issued by the Inspector-General of Police, Khyber Pakhtunkhwa. It is further stated that the petitioner was provisionally allowed to appear in the screening test, subject to fulfillment of other physical requirements, including running, chest and height measurement. However, upon final verification, the petitioner was found deficient in the prescribed

chest measurement and was, therefore, excluded from the recruitment process.

4. Arguments heard. Record perused.

5. Perusal of the record reveals that the respondents have placed reliance on Police Policy Board Order No.74/2017, vide Endst. No.580-650/PA/AIG Estt. dated 09.10.2017, wherein it was categorically decided that any minor variation in the height and chest measurement of candidates for recruitment as constables shall not be condoned. The policy mandates strict adherence to the prescribed physical standards, and no relaxation is permissible even for marginal deficiencies.

6. The petitioner's exclusion from the recruitment process, though based on a seemingly minor physical shortfall, cannot be termed arbitrary or unlawful in view of the binding recruitment policy. It is a settled principle that where eligibility criteria are statutorily or administratively prescribed, the Court cannot substitute its own standards or condone deviations, however minor, unless the policy itself provides for such relaxation. In the present case, the recruitment policy expressly prohibits condonation of minor variations in physical measurements, and the petitioner's deficiency in chest measurement, albeit marginal, squarely attracts disqualification under the said policy.

7. It may be added that recruitment to disciplined forces, such as the police, is governed not merely by merit but also by uniform physical standards, which are essential to meet operational and institutional objectives. Any relaxation of such standards, unless expressly contemplated by the recruitment policy itself, would constitute judicial overreach and may compromise the integrity of the recruitment process.

8. In view of the foregoing, the petitioner's claim for appointment is unsustainable. The petition, being devoid of merit, is accordingly dismissed.

Announced

05.11.2025

SCANNED

13 NOV 2025
Muhammad Tariq Afridi
Khalid Khan

13/11/2025