

LITIGATION & APPEALS

CHAPTER-XII LEGAL MATTERS

156. **General.** This Chapter lays down the regulations pertaining to the legal matters arising out of, or consequential to any decision of the Commission with particular emphasis on the representation by a candidate and Appeal by any party to the proceedings of the Commission aggrieved by such decision.

157. **Practices, which are prejudicial to fair, transparent and orderly process of selection.** Following practices, if indulged by any candidate, shall be considered unfair and prejudicial to good, transparent and orderly conduct of process of recruitment:-

- (a) by furnishing his/her particulars or information, which is false or incorrect in any respect;
- (b) by suppressing material information;
- (c) by influencing or attempting to influence the Member(s), the officer(s) and official(s) of the Commission, any Paper Setter or Examiner or Invigilator (whether belonging to the Commission or other Institutions) or Advisor or Subject Specialist or the Departmental Representative who have been assigned any duty for the recruitment process or any stage thereof;
- (d) by canvassing in any form for his/her induction in Service;
- (e) by obtaining or attempts to obtain support for his/her candidature or securing higher than due marks or securing higher than due position on merit through improper means;
- (f) by submitting forged certificates/degrees/or other documents;
- (g) by misbehaving with the duty staff in or outside the examination hall or with the staff or Members of the Interview Committee during the process of interview;
- (h) by committing misconduct during examination or test or interview;
- (i) by non-observance deliberately or intentionally the lawful instructions issued by the Commission resulting in misbehavior/violence;
- (j) by using unfair means in a test/examination conducted by the Commission, which shall include attempt to copy or copying from books, notes, cellphone, digital watch, scientific calculator or other means, providing help or receiving help from any candidate or any external source;
- (k) by impersonating any candidate at any stage of selection process in any form;
- (l) by leaving any sign or evidence, puts his/her signature and writes name or appeals on the answer sheet to the examiners in any way to gain advantage.

158. Cognizance to be taken by Commission's management against the Candidate violating Commission's rules/regulations, committing misconduct/using unfair means at examination/test/interview center(s). Any candidate found violating Commission's Rules/Regulations, committing misconduct/using unfair means at Examination/Test/Interview Center(s), shall be proceeded against by the Supervisory Staff/Member of the Commission as per the following procedure:-

- (a) Material along with answer sheet/copy shall be confiscated.
- (b) Candidate shall be directed to explain his/her position.
- (c) Explanation submitted by the candidate shall be attached with the prescribed proforma signed by the Invigilator and countersigned by the Centre Supervisor.
- (d) Candidate's explanation and material confiscated are to be sealed in envelope and dispatched to Controller of Examination/Addl. CE.
- (e) Candidate shall be expelled from the Test/Examination center for that specific paper.
- (f) Candidate may be allowed to continue participation in the other papers of the examination, if any.

159. Procedure to be adopted against candidates found guilty of violation of rules/misconduct/unfair means. A candidate found guilty as indicated in regulation 157 shall be proceeded against as follows:-

- (a) Candidate will be served with a Notice containing details of allegations for his/her personal appearance and written reply on the specified date to explain his/her position.
- (b) If the candidate's response to the notice is tenable the matter will be disposed of accordingly.
- (c) If the candidate's explanation is not found cogent and tenable after personal hearing is accorded, the nominated Member shall pass appropriate orders as deemed fit.
- (d) If the candidate fails to appear before the Commission, an ex-parte order shall be passed after taking into consideration all material facts available on record.

160. Action against candidates found guilty of violation of rules/regulations/misconduct/unfair means. The candidate(s) found guilty of committing misconduct by using unfair means or has violated the rules / regulations of the Commission during the process of recruitment shall be proceeded against by taking following actions:-

- (i) cancellation of his/her candidature for the post applied for, and /or;
- (ii) liable to be disqualified and/or debarred from any examination, test or interview for any post held by the Commission in future, for a specified period which, in no case, shall be less than two years from the date of decision, and/or;

- (iii) criminally prosecuted/debarred from any employment with the Government for a specified period, which shall not be less than two years.

161. **Right of Representation and appeal.** A candidate aggrieved by any decision of the Commission or the nominated Member under the proceeding regulations may, within 15 days of the communication of such decision, prefer a representation addressed to the Chairperson and Submitted to the Secretary of the Commission adducing evidence in support of his/her claim. The Secretary, upon receipt of such representation, shall forthwith seek nomination of a Member from the Chairperson. The Member so nominated shall, within the next 15 days, hear the aggrieved candidate, evaluate the evidence produced by him/her, seek any counter evidence or explanation by the concerned Branch/Section of the Commission and announce his/her decision through a speaking order mentioning therein the respective versions of the of the parties and weighing them against the relevant provisions of law, rules and regulations. Any party aggrieved by the decision of the member may, within 10 days of the announcement of such decisions, prefer an appeal to the Chairperson. The Chairperson, upon receipt of the appeal, shall constitute a committee comprising at least two Members to hear the appeal. The Member against whose decision the appeal is preferred, shall not be a Member of the Appellate Committee. The Appellate Committee shall, after giving an opportunity of hearing to the parties concerned, dispose of the appeal through a speaking order within the next 10 days. The decision of the Appellate Committee shall be final and binding on the parties.

A candidate dissatisfied of the decision of the nominated Member under preceding regulation, may prefer an appeal to the Chairperson within ten (10) days of the decision. The Chairperson shall constitute a committee comprising of three Members to hear the appeal and take an appropriate decision in accordance with law/rules/policy. The committee shall decide the appeal within ten (10) days and that decision shall be final and binding on the candidate.

162. **Maintenance of debarred candidates' list.** An updated list of such candidates who have been debarred or referred for disciplinary action is to be maintained by the CE/Addl. CE, as the case may be, to ensure that such candidates do not re-apply during the period such restrictions are enforced on them. On expiry of such period his/her name is to be removed from the list so maintained.

163. **Supersession.** The Sindh Public Service Commission Regulation, 2006 shall, on commencement of these regulations, stand superseded.

**CHAIRPERSON
SINDH PUBLIC SERVICE COMMISSION**