

# IN THE HIGH COURT OF SINDH AT KARACHI

Present: **Yousuf Ali Sayeed and Agha Faisal, JJ.**

CP D-2759 of 2020 : Syed Mehmood Akhter Naqvi  
vs. Federation & Others

For the Petitioner : Mr. Syed Mehmood  
Akhter Naqvi  
(In Person)

Date of hearing : 17.09.2020

Date of announcement : 17.09.2020

## ORDER

**Agha Faisal, J.** (1) Granted subject to all just exceptions. (2) The present petition has been filed assailing the notification dated 22.02.2020 (“Impugned Notification”) issued by the Ministry of Law & Justice Government of Pakistan appointing the Attorney General for Pakistan, on the premise that the rank and status of a federal minister could not be conferred upon the holder of such office.

2. The petitioner was unable to cite the law envisaging conferment of the pertinent dispensations of office, hence, could not argue any violation in such regard. The petitioner was then asked to demonstrate as to how such a conferment was contrary to public interest, however, he failed to articulate any coherent argument in such regard.

3. It was argued that since the eligibility criteria for the office of Attorney General required a person to be qualified to be appointed as a Supreme Court Judge, hence, no rank or privileges of a federal minister could be conferred thereupon as no such privilege could be accorded to a serving Supreme Court Judge.

We find ourselves unable to sustain the argument as it is rather innocent of the law; since appointment to the office of attorney general does not make the incumbent a serving Supreme Court Judge. The Constitution envisages eligibility criteria of such nature for different Constitutional appointments, including the Chief Election Commissioner, however, the same does not mean that the holder of such office is to be construed as a Supreme Court Judge.

4. The exercise of powers, per Article 199 of the Constitution, was required to be undertaken upon application of an aggrieved person<sup>1</sup>. The petitioner has made no submission before us to suggest that he falls within the definition of an aggrieved person<sup>2</sup>.

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<sup>1</sup> Barring certain exceptions, i.e. writ of *quo warranto*, however, no case was made out to qualify the present petition within an exception recognized by law; 2019 SCMR 1952.

<sup>2</sup> *Raja Muhammad Nadeem vs. The State* reported as PLD 2020 Supreme Court 282; *SECP vs. East West Insurance Company* reported as 2019 SCMR 532.

5. In view of the reasoning and rationale herein contained, we are of the considered view that the petitioner has been unable to set forth a case for the exercise of extra ordinary Constitutional jurisdiction by this Court, hence, this petition is hereby dismissed *in limine*.

JUDGE

JUDGE