

IN THE HIGH COURT OF SINDH AT KARACHI

Before:

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

C.P No. D-6387 of 2014

Muhib Ali *versus* The Province of Sindh and 06 others.

For Direction:-

For order on CMA No. 24615/2019 (Contempt):

Date of hearing

& decision: **16.01.2020**

Mr. Muneer Ahmed, advocate for the petitioner.

Mr. Ali Safdar Depar, AAG a/w Mr. Muhammad Jamil Khan, OSD (Litigation)
Education and Literacy Department, Karachi.

ORDER

This is second contempt application arising out of order dated 02.5.2016 passed by this Court. Previous contempt application bearing CMA No.29225 of 2016 filed by the applicant was dismissed as not maintainable vide order dated 10.9.2018. An excerpt of the same is reproduced as under:-

“We have heard both the learned counsel at some length and have perused the record which clearly depicts that other candidate who was appointed on merit has obtained 83 marks whereas the petitioner has obtained much lessor marks, hence he was not considered on merit. We have also seen that there were six vacant posts and the same were dully filled by 5 males and one female deserving candidate. It is apparent that there is no vacancy now available. Perusal of the documents furnished by the learned A.A.G further reveal that the case of the petitioner was duly considered on merits and it is only thereafter that his case was not recommended for final appointment as he had obtained lesser marks then the other appointed candidates.

We, therefore find no contempt on the part of the Chairman, DRC, hence this application is found to be not maintainable and is dismissed accordingly.”

In view of the above, this application is not maintainable. Even otherwise the candidate who was appointed on merit has obtained 83 marks whereas the petitioner has obtained much lessor marks, hence he was not considered on merit, his earlier plea was discarded by this court in his earlier application now he has again attempted to convince this court by filling second contempt application on the same grounds, which is not tenable under the law. Accordingly, the application is dismissed.

JUDGE

JUDGE