

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. NO. D-1937 / 2022

Date Order with signature of Judge

Present: *Mr. Justice Muhammad Junaid Ghaffar*
Mr. Justice Agha Faisal

Petitioner: Muhammad Shaheen, in person.

Respondents: Government of Pakistan & Others,
Through Mr. Rana Sakhawat Ali,
holding brief for Dr. Shahab Imam,
Advocate.

For orders as to maintainability of this Petition.

Date of hearing: 06.10.2022

Date of Order: 06.10.2022

ORDER

Muhammad Junaid Ghaffar, J: Matter is coming up as to order on maintainability of this Petition. The Petitioner who appears in person has been heard and record perused. It appears that earlier the Petitioner had filed C. P. No/. D-2798/2020 which was disposed of vide order dated 14.09.2021 in the following terms:-

“Case of the petitioner is that he succeeded in Open Testing Service (OTS) test as well as typing test conducted by a selection committee which contains 90 marks, whereas, rest of 10 marks were with the interview committee. According to the petitioner he was discriminated with planning as Muhammad Zahid, Imran Ali and Muhammad Zain Irshad, though their marks were lessor than the petitioner, were considered and appointed, whereas, counsel for the respondent admits his marks, however, he is disputing with regard to calculation by the petitioner and unable to assist this Court whether Muhammad Zahid, Imran Ali and Muhammad Zain Irshad were considered though they were having lessor marks. Under these circumstances, judicial propriety demands that selection board shall re-examine the case of the petitioner and the committee shall provide an opportunity of hearing i.e. interview of the petitioner, award marks allocated to him and pass fresh order. In case petitioner qualifies, he shall be accommodated without any discrimination. This exercise shall be undertaken within two months. Order dated 17.03.2021 is modified whereby fine was imposed on respondent No.3.

Petition is disposed of in terms of above.”

Subsequently, the exercise as directed was though carried out but the Petitioner was not satisfied and filed contempt application which was dismissed by the Court with the observations that the Petitioner is at liberty to challenge the order passed thereafter. Now fresh Petition has been filed on the ground that the order passed by this Court dated 14.09.20221 had given certain directions, whereas, subsequently, the exercise which has been carried out does not resolve the issue of the Petitioner as directed by the Court. On perusal of the response filed on behalf of FBR dated 10.11.2021 in compliance of the order passed by this Court in the earlier Petition, it appears that the case of the Petitioner was re-examined as per directions and the Petitioner was also provided opportunity of hearing wherein, his interview was once again conducted and marks were allocated to him as per merits. The Petitioner has obtained 50.7 total marks, whereas, the other persons who were appointed earlier and whose appointments was also challenged on the ground that they had secured lesser marks than the Petitioner, does not appear to be correct inasmuch as the Petitioner is found to be at serial No. 4 amongst these four candidates.

In that case, we do not see any reasons to interfere once again in the exercise carried out by the Respondents and to exercise our discretionary jurisdiction under Article 199 of the Constitution. Instant Petition appears to be misconceived and not maintainable; hence, it is accordingly dismissed.

J U D G E

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Arshad/