

FORM No. HCJD/C-121

ORDER SHEET

IN THE LAHORE HIGH COURT, LAHORE

JUDICIAL DEPARTMENT

W.P.No.67948 of 2023

Umama Islam and others **Versus** The Province of the Punjab and others

Sr.No. of order/ proceeding	Date of order/ Proceeding	Order with signature of Judge, and that of parties of counsel, where necessary
--------------------------------	------------------------------	---

08.11.2023 Khawaja Omer Masood, Advocate for the petitioners.
Ch. Awais Ahmad Qazi, Addl. Advocate General with Asif Ali Sheikh AIG/Legal; CPO Punjab, Ghulam Hussain Chohan SSP/Legal CPO, Lahore, M. Saleem AIG/Legal CPO, M. Ibrar Hussain, Asst. CPO and A.D. Dhakku, Inspector Legal CPO, Lahore for respondents.

The petitioners through the instant constitutional petition have called into question their purported exclusion from the list of successful candidates qua process initiated for recruitment as Senior Station Assistant (SSA) and Police Station Assistant (PSA) in Punjab Police against vacant posts. Background of the case is that by a public notice (annex “A”) issued under the authority of DIG (Establishment-II), Central Police Office, Lahore invited applications for induction as Senior Station Assistant (SSA) and Police Station Assistant (PSA) in which the petitioners, aspiring to be inducted as Police Station Assistants (PSA) submitted their applications, cleared their written test and were called for interview but when the list of final candidates was put up dated 30.9.2023 (annex “D”) their names were not reflected and as per their version they were owed an explanation for this however none came forth and thereafter a fresh public notice was issued for

second round of recruitment against the remaining vacant posts of Senior Station Assistant (SSA) and Police Station Assistant (PSA) under the authority of AIG (Admin and Security), Central Police Office, Lahore.

2. Through the instant constitutional petition the grievance is voiced by the petitioners that their names were liable to be included in the list of successful candidates dated 30.9.2023 as they had cleared written test as well as the interviews. Report in this regard was requisitioned. Stance taken from the other side is that the petitioners who were all applicants for the posts of Police Station Assistant (PSA) from Lahore District, were required to possess typing proficiency in Urdu and English which was necessary to discharge the duties connected to the post for which they were applying and this was specifically recorded in the advertisement given in the press annex "A" and said standing requirement is equally reflected in the subsequent advertisement annex "E" to effect another round. As amplification of the second advertisement it is submitted that merit was served in processing applicants from the first round that included the petitioners, a limited number of the total that applied met the criteria who were recruited and to fill leftover vacancies with quality candidates, a second round is taking place.

3. Scrutiny of the stipulation in this respect as featured in the advertisements shows that the applicants are required to have inter alia Intermediate in Computer Sciences (ICS), Computer Certificate from any approved institution (MS Office) although BS/BSc would be given preference and along with this specified minimum typing speed in both Urdu (25 WPM) and in English (35 WPM) was necessary.

4. Stance taken by senior personnel from the Police Department before the Court based on the report was to the effect that the petitioners had in fact remained unsuccessful in the typing test and that their proficiency in Urdu and English typing was below the criteria published. As learned counsel for the petitioner had taken the stance that call for interview implied clearance in other areas of eligibility, as such, they were liable to be appointed, this was confronted to them. The explanation given in this regard was that transmission of interview call was based on error and that the typing criteria had to be met in which the petitioners had failed and were resultantly not reflected in the list dated 30.9.2023.

5. They were asked to produce pertinent documents in this regard. Today computerized typing test result of each petitioner has been submitted along with comprehensive list containing data of 264 candidates from Lahore District

out of which 46 were successful. Such computerized typing test results are given in individual format for each petitioner with the inscription that the same are system generated reports that do not require any signatures according to which the petitioners have obtained the following marks:

Petitioners	Name	Marks obtained in Urdu WPM	Marks obtain in English in WPM
Petitioner No.1	Umama Islam	15	25
Petitioner No.2	Anmol Khan	17	34
Petitioner No.3	Hafiza Amina Bibi	22	27
Petitioner No.4	Hamza Hameed	14	44
Petitioner No.5	Rizwan Ali	38	6
Petitioner No.6	Muhammad Shaban	17	32
Petitioner No.7	Asad Amin	6	20
Petitioner No.8	Afzal Ali	32	0
Petitioner No.9	Ammad Akhtar	10	24
Petitioner No.10	Salman Shah	14	22
Petitioner No.11	Ahmad Jawad Safdar	6	51
Petitioner No.12	Faisal Ali	10	20
Petitioner No.13	Muhammad Sufyan	23	31

It is explained that each candidate is made to type a specimen directly into the provided computers in English and Urdu during the assessment process and evaluation is made within the system, based on the preserved specimens of their performance. As per these results none of them equaled or exceeded the criteria as notified qua the

ambidextrous typing proficiency in Urdu and English based on which it is submitted by the learned Law Officer that not having met the criteria qua typing speed they could not be inducted as merit had to be followed in public service and applicants to be considered against the particular posts had to meet all criteria including the typing skills necessary to effectively and efficiently discharge the work for which they were to be taken on board.

6. Regardless of whether they were called for interview the fact of the matter is that the petitioners had failed to meet the criteria qua typing proficiency. This being so their insistence on yet being inducted did not appear to require consideration in discretionary jurisdiction especially when the process is reinitiated which is open.

7. Learned counsel for the petitioners at this point wishes to assail typing results by reiterating that the call for interview should necessarily entail the conclusion that they cleared all criteria. There does not appear to be any warrant for such assumption to be made in abstraction on some a priori basis nor could a technical evaluative exercise carried out on merits at the competent departmental level be discredited on such tenuous abstraction as suggested. As to aspersion on veracity of results, as being impliedly cast, the same presupposes the unjustified expectation that embarking on an exercise for

reliable resolution of factual controversy that may present, shall be practicable in summary jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973. It is observed that presumption of regularity attached to official acts, could not be dislodged on the basis of bald assertions, by candidates who participated in the recruitment process but remained unsuccessful which unfortunately appears to be the case at hand. This is especially in stark relief when in the pleadings no material particularization of any mala fide is recorded or any other ground established as to give any substance to the assertion that the petitioners despite having failed in typing test were yet liable to be appointed. Qua enunciation of such declared law Muhammad Din v. The Deputy Settlement Commissioner and others (2022 SCMR 1481), Muhammad Siddique (deceased) through LRs and others v. Mst. Noor Bibi (deceased) through LRs. and others (2020 SCMR 483), Mrs. Kausar A. Ghaffar v. Government of the Punjab and others (2013 SCMR 99), Dr. Akhtar Hassan Khan and others v. Federation of Pakistan and others (2012 SCMR 455), State Bank of Pakistan v. Franklin Credit and Investment Company Ltd. through Attorney and others (2010 SCMR 121), Hazara (Hill Tract) Improvement Trust through Chairman and others v. Mst. Qaisra Elahi and others (2005 SCMR 678),

Fauji Foundation and another v. Shamimur Rehman (PLD 1983 SC 457) and The Federation of Pakistan through The Secretary, Establishment Division, Government of Pakistan Rawalpindi v. Saeed Ahmad Khan and others (PLD 1974 SC 151) may be cited.

8. Neither through the grounds contained in the petition nor during the course of oral submissions any case whatsoever could be made out as to necessitate interference in extraordinary jurisdiction as such. Constitutional petition being meritless is **dismissed**. There shall, however, be no order as to costs.

(RASAAL HASAN SYED)
JUDGE