

JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT,
ISLAMABAD

WRIT PETITION NO.2772 OF 2020.

KHAQAN RAZAQ QURESHI
Vs.
MANAGING DIRECTOR, OGDCL, ETC.

Petitioner by : Raja Faisal Younas, Advocate.

Respondents by : Mr. Wasi Ullah Khan Surrani, Advocate.

Date of Hearing : 03.06.2022.

SAMAN RAFAT IMTIAZ, J.:- This is a petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973 (“**Constitution**”), whereby the Petitioner seeks issuance of direction to the Respondents to appoint him as Assistant Engineer (EG-II) and to set aside the list of selected candidates, wherein the Petitioner is not included (“**Impugned List**”).

2. The facts as narrated in the Memo of the Petition are that the Petitioner has a Bachelor of Science degree in Chemical Engineering. The Petitioner has also successfully completed the one year paid internship program with the Oil and Gas Development Company Limited (“**OGDCL**”), who has been impleaded as Respondents No. 1 and 2, in the discipline of Chemical Engineering. OGDCL published an advertisement dated 24.10.2019 for certain posts including the post of Assistant Engineer (EG-II) and the Petitioner being eligible for the post in all respects applied for the same. The Petitioner appeared in the test conducted by Respondent No. 4 i.e., National Testing Service Pakistan (“**NTS**”) and passed the same by securing 79 marks. Thereafter the Petitioner received an interview call vide letter dated 11.02.2020. The Petitioner appeared for the interview and he was convened greetings by the Respondents for qualifying the final interview and being a successful candidate for appointment on the post

the final interview and being a successful candidate for appointment on the post applied for. However, to the great disappointment of the Petitioner, the Respondents adopted pick and choose policy and included their blue eyed boys in the list of selected candidates. It has been alleged that excluding the Petitioner from the Impugned List without assigning any cogent reason and lawful justification is injustice, discrimination against the Petitioner, hence, the instant writ petition.

3. The learned counsel for the Petitioner submitted that the Petitioner was orally congratulated after the interview as successful candidate for the appointment to the post applied for, despite which his name was not included in the Impugned List of successful candidates, which indicates malafide intent on the part of the Respondents. He argued that the Respondents' failure to appoint the Petitioner is a violation of his fundamental rights.

4. On the other hand, the learned counsel for OGDCL submitted that the Petitioner was not found eligible for the post, which is the reason he was not appointed. He pointed out that admittedly there were many candidates who had secured requisite marks in NTS test and were invited for interview and for obvious reasons all such candidates could not be appointed as a matter of right, which is why an interview process ensues testing, whereby fitness and suitability of the candidate is evaluated by the Respondents. He further submitted that the fitness of a candidate is an internal matter of the Respondents and the Petitioner has no *locus standi* to invoke constitutional jurisdiction of this Court to claim employment as a matter of right. Lastly he submitted that even otherwise the instant writ petition is not maintainable as an alternate remedy is available in terms of appeal made to the board of the answering Respondents.

5. The learned AAG adopted the arguments submitted by the learned counsel for OGDCL.

6. Despite issuance of notice to Respondent No.4 no one has appeared on their behalf.

7. I have heard the arguments and perused the record.

8. The learned counsel for the Petitioner failed to show as to how mere participation in the test and interview process gave rise to any vested interest in favor of the Petitioner. He has not identified any law, rules or regulations that have allegedly been violated by the Respondents by failing to issue an appointment letter to the Petitioner. The Respondents have every right to appoint or reject any candidate that they find suitable for employment. In the absence of any violation of law by the Respondents or creation of a vested right in favor of the Petitioner, this Court cannot substitute the decision of the Respondents with regard to who is appointed as employee of OGCL with the Court's opinion.

9. Insofar as the allegation is concerned that the Respondents orally congratulated the Petitioner after the interview, the same has been denied and as such constitutes a factual dispute, which cannot be adjudicated upon by this Court in Constitutional jurisdiction.

10. In view of the foregoing reasons, this writ petition is devoid of merit and is as such **dismissed**.

(SAMAN RAFAT IMTIAZ)
JUDGE

Announced in the open Court on 06.06.2022.

JUDGE

R.Anjam.