

**ORDER SHEET.**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT.**

Writ Petition No. 4424/2019  
Qaiser Inayat  
Versus  
Secretary Health, Islamabad, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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14.09.2020	Mr. Nadir Ali Siddiqui, Advocate for the petitioner, Ch. Muhammad Tahir Mehmood, learned AAG with Syed Jamil Hussain Sherazi, Deputy Director, Majid Khan Assistant Director.
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Through the instant writ petition, petitioner seeks direction against respondent No.1 (Secretary Health), to cancel the appointments through lucky draw and to allocate the reserve seats for the minorities.

2. The case set up by the petitioner is that he applied for the post of Ward Boy (BPS-2) and after scrutiny of relevant documents, a call letter dated 27.11.2018 was issued by the respondent No.3 for the test and interview to be conducted on 22.12.2018; that later on respondent No.3 issued a letter dated 10.12.2018 whereby the recruitment process was postponed; that subsequently, when the petitioner approached the concerned office, it was informed that the vacancies had been filled through lucky draw, in contravention of the rules and in derogation to the quota of minorities, hence the instant petition.

3. Learned counsel for petitioner contends that petitioner, hailing from Christian community, applied for the questioned post and was also called for test, interview but the

process was not completed in order to accommodate the blue-eyed, in derogation to the rules and the quota meant for minorities.

4. Learned AAG repelled the above submissions, *inter alia*, stating that recruitments were made under due process by observing the quota for minorities and that the process of balloting is in accordance with the instructions issued by the Establishment Division.

5. Arguments heard, record perused.

6. The stance of the petitioner has been replied by the respondents in terms that 215 posts of different cadres from BPS-1 to BPS-5 were initially advertised on 30.08.2018 but the recruitment against the said posts could not be made for want of renewal of N.O.C. After the needful is done, 286 posts were again advertised on 09.10.2019 whereas one of the candidates in initial process filed writ petition No.2448/2019 wherein this Court had issued a direction vide order dated 13.11.2019 to complete the recruitment process after observing test, interview as well as eligibility criteria as provided in law, within period of one month. It was further directed that the concerned authority shall issue the offer letters, which have not yet been issued to successful candidates within one week.

It was further reported that pursuant to the direction *ibid*, offer letters were issued to 215 candidates out of 286 posts while the remaining 71 posts were filled through balloting as per Establishment Division policy contained in O.M. dated 21.08.2019 while 04 posts out of 71 were reserved for minorities as per rules against 5% quota.

7. The O.M. dated 21.08.2019 states that the vacancies in BPS-1 to 5 and equivalent shall ordinary be filled on local basis through balloting.

8. Learned counsel for the petitioner has not been able to controvert the above stance of the respondents qua issuance of offer letters pursuant to direction of this Court and that the remaining appointments were made in accordance with the policy in-vogue.

9. It is settled principle that this Court is not competent to interfere in the policy matters of the public functionaries. The petitioner has not been able to make out a case warranting exercise of discretion in terms of Article 199 of the Constitution. Consequently, the petition is dismissed.

(FIAZ AHMAD ANJUM JANDRAN)  
JUDGE

Imran