

JUDGMENT SHEET.

IN THE ISLAMABAD HIGH COURT,
ISLAMABAD.

Writ Petition No.1300 of 2020

Amber Azim Hashmi.

Versus

Allama Iqbal Open University through its Vice-Chancellor, Islamabad.

Petitioner By : Mr. Muhammad Yaqoob Javaid, Advocate.

Respondent By : Hafiz Arfat Ahmad Ch., Advocate.
Fazal-e-Rabbi, Dy. Reg. (L), AIOU.

Date of Decision : 30.09.2020.

AAMER FAROOQ, J. – Through the instant petition, the petitioner has challenged her dismissal from service by Allama Iqbal Open University (AIOU), vide office order dated 29.11.2019.

2. The facts, leading to filing of the instant petition, are that the petitioner was appointed as Make-up Artist in BPS-11, vide appointment letter dated 31.05.2019. It was specified in the appointment letter that the terms of service were governed under Allama Iqbal Open University Statutes, 1978 as Amended upto 2017 as well as the prevalent rules and regulations. One of the terms of the appointment letter was that the same was conditional subject to verification of character/experience certificates/testimonials by the concerned authorities/institutions. The reason provided in the impugned office order for dismissal from service was that the experience certificate provided by petitioner

allegedly issued by Pir Mehar Ali Shah Arid Agriculture University, Rawalpindi was fake and not genuine.

3. Learned counsel for the petitioner, *inter-alia*, contends that the testimonials/certificates provided are in accordance with law. It was further contended that in the advertisement, there was no requirement qua the age limit or relaxation. It was further pointed out that the petitioner has not been provided any opportunity of hearing.

4. Learned counsel for the respondent, *inter-alia*, contended that the petitioner applied for the post of Make-up Artist in BPS-11 for which the maximum age limit is thirty (30) years under Allama Iqbal Open University Statutes, 1978 as amended upto June 2, 2020. It was further submitted that the age could be further relaxed, if a person had worked in any autonomous body/ministry/department. Learned counsel pointed out that the letter was written to Arid Agriculture University, Rawalpindi, which responded vide letter dated 25.10.2019 that there is no service record of the petitioner available with it and the letterhead is fake. It was contended that further to said letter another letter was written by one Dr. Ahmed Imran, Assistant Professor dated 19.12.2019, wherein it was affirmed that the petitioner was not an employee of the University but worked on various projects with him as data entry and analysis and he paid stipend of Rs.15,000/- per month in personal capacity. It was further submitted that subsequent to termination order, petitioner made a further request for age relaxation, which was turned down.

5. Arguments advanced by learned counsel for the parties have been heard and the documents placed on record examined with their able assistance.

6. The background, leading to filing of the instant petition, has been mentioned hereinabove, therefore, need not be reproduced.

7. The petitioner applied for the post of Make-up Artist (BPS-11) pursuant to the advertisement by Allama Iqbal Open University (AIOU) and was appointed under the general instructions/guidelines, which provided that for age relaxation and the limit, the Government policy shall be followed. In the application for employment, the petitioner specifically mentioned that she has remained employee of Arid Agriculture University, Rawalpindi. The Arid Agriculture University, Rawalpindi vide letter dated 25.10.2019 has categorically stated that there is no service record in respect of Ms. Amber Azim Hashmi and the signatures on the letterhead are fake. The matter was further affirmed by letter of Dr. Ahmed Imran, Assistant Professor of UIMS, wherein he mentioned that the services of the petitioner were engaged by him on different projects as a data entry analysis and she was being paid stipend of Rs.15,000/- per month.

8. In view of the referred backdrop, it is clear that though the petitioner mentioned herself as an employee of Arid Agriculture University, Rawalpindi, she was not the employee of the said concern and provided the certificate/document, which was not genuine. Learned counsel for the petitioner though still vehemently contested the position and said that the said document is genuine. This Court in its constitutional jurisdiction is not in a position to verify the authenticity of the document as it is a question of fact. Even otherwise, the appointment letter categorically stated that the appointment is conditional upon verification of the certificates/documents and since one of the certificates provided by the petitioner has turned out to be fake, the appointment/employment could have been revoked. In such facts and circumstances, issuance of notice prior to termination or providing an opportunity of hearing was not called for. Even otherwise, by now it is settled position that the statuses of Allama Iqbal Open University are non-statutory and a petition under Article 199 of the Constitution is not maintainable.

9. For the above reasons, the instant petition is without merit and is accordingly **dismissed**.

(AAMER FAROOQ)
JUDGE

**M. Zaheer Janjua*

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