

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

W.P. No.126 of 2020  
Azhar Hameed Khokhar  
**Versus**  
Ministry of Law and others

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	11.06.2020	Mr. Abdul Qudoos Chaudhary and Hafiz Shoaib Muhammad, Advocates for the petitioner. Mr. Arshid Mahmood Kiani, learned Deputy Attorney-General. Mr. Muhammad Nadeem Khan Khakwani, learned Assistant Attorney-General. Mr. Abdul Jabbar Brohi, Deputy Assistant Solicitor, Ministry of Law and Justice. Mr. Muhammad Kamran, Section Officer, Ministry of Law and Justice.

Through the instant writ petition, the petitioner, Azhar Hameed Khokhar, seeks a direction to the respondents to issue an appointment letter to him with respect to the post of Computer Operator (BPS-14). Furthermore, the petitioner seeks an injunction to restrain the respondents from issuing an appointment letter for the post of Computer Operator (BPS-14) to any other person.

2. Learned counsel for the petitioner submitted that in response to the advertisement published by the Ministry of Law and Justice, the petitioner applied for appointment against different posts, including the posts of Computer Operator (BPS-14) and Reader (BPS-14), on the disable quota; that the respondents have tampered with the petitioner’s application form; that the petitioner in his application form had explicitly mentioned that he was applying for appointment against the disable quota; that the petitioner’s tampered application form filed by the respondents along with their written comments

does not show that he had applied against the disable quota; that the testing service (NCBMS College and Testing Services (Pvt.) Ltd.) (respondent No.2) had vide letter dated 14.11.2019 requested the Ministry of Law and Justice to include the petitioner's name in the disable quota; and that the respondents had conducted the selection process in an unlawful manner in order to accommodate pre-selected blue-eyed applicants. Learned counsel for the petitioner prayed for the writ petition to be allowed in terms of the relief sought therein.

3. On the other hand, learned Assistant Attorney-General submitted that there was no provision for a disable quota for the post of Computer Operator (BPS-14), whereas there was one post of a Reader (BPS-14) in Karachi against which a disabled candidate could have been appointed against the disable quota; that the petitioner could have been appointed against the single post of Upper Division Clerk (BPS-11) reserved for the disable quota, but since he had obtained only 42 marks, whereas the top five candidates had obtained 70 marks and above, he could not even be appointed against the post of Upper Division Clerk (BPS-11) against the disable quota; and that the respondents had not tampered the petitioner's application form. Learned Assistant Attorney-General prayed for the writ petition to be dismissed.

4. I have heard the contentions of the learned counsel for the petitioner as well as the learned Assistant Attorney-General and have perused the record with their able assistance.

5. In the writ petition, the petitioner has specifically prayed for appointment against the post of a Computer Operator (BPS-14). The

advertisement inviting applications for appointment against various posts in the Ministry of Law and Justice shows that there was only one post of Computer Operator (BPS-14) in Islamabad. The said post was not reserved for appointment against the disable quota. However, the said advertisement shows that a few posts, including a post of Reader (BPS-14) and Upper Division Clerk (BPS-11), had been reserved for appointment against the disable quota. However, as mentioned above, the petitioner has prayed for appointment as a Computer Operator (BPS-14) for which there was no post reserved for appointment against the disable quota. Therefore, this Court cannot direct the respondents to appoint the petitioner against a post which was not reserved for appointment against the disable quota.

6. The question whether the respondents had tampered with the petitioner's application form, is a disputed question of fact which cannot be resolved in the Constitutional jurisdiction of this Court.

7. In view of the above, I do not find any merit in this petition, which is accordingly dismissed with no order as to costs.

**(MIANGUL HASSAN AURANGZEB)**  
**JUDGE**