

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

**Writ Petition No. 4350/2018.**

**Mansoor Iqbal**

*Versus*

**Islamabad High Court, Islamabad through the Registrar, etc.**

**Petitioner by:** Mr. M. Aftab Alam Rana, Advocate.

**Respondents by:** Raja M. Aftab Ahmed, AAG.

**Date of Decision:** 17.06.2019.

**MOHSIN AKHTAR KAYANI, J:-** Through this writ petition, the petitioner has assailed the order dated 03.11.2018, whereby different individuals have been recommended by the departmental Selection Committee for their appointment against the post of LDC/Assistant Record Keeper/Junior Clerk (BPS-09) in the establishment of District & Sessions Judge-East, Islamabad.

2. Learned counsel for the petitioner contends that petitioner has fulfilled the criteria and has secured highest marks against the post of LDC, whereas and respondents No.3 to 13 have been selected against the post of LDC/Assistant Record Keeper/Junior Clerk (BPS-09) who did not qualify on merit.

3. Notice was issued to the Registrar of this Court who sought report from District & Sessions Judge (East), Islamabad and detailed report regarding marks obtained by the candidates has been placed, which is as under:-

Merit No.	Name of Candidate	Father's Name	Marks in Test as per ratio of 25% out of 100 OTS Marks	Qualification Marks	Higher Qualification Marks	Interview Marks	Total Marks
1	RIZWAN AKHTER	RAJA AKHTER	17.25	30	10	19	76.25

2	MARYAM LATIF	MUHAMMAD LATIF	15.75	30	10	19	74.75
3	RASHID SALEEM	MALIK MUHAMMAD SALEEM	15.5	30	10	19	74.50
4	RAJA JAHANGAIB MUSHTAQ	MUHAMMAD MUSHTAQ KHAN	15.5	30	10	18	73.50
5	ZEESHAN AHMED	BASHIR AHMED	14.25	30	10	18	72.25
6	ZAIN UL ABDIN	ZAMIR UD DIN	16.75	30	07	18	71.75
7	MUHAMMAD SOHAIL KHAN	MUHAMMAD ASLAM	16.5	30	07	18	71.50
8	UMER BUKHSH	MUHAMMAD BUKHSH	15.25	30	07	19	71.25
9	MUHAMMAD WASEEN	ARIF HUSSAIN	15.25	30	07	19	71.25
10	MUHAMMAD SHAHBAZ ABBASI	MUHAMMAD SEHAB ABBASI	16	30	07	18	71
11	MUHAMMAD SAQIB	SHUJA UD DIN	15.75	30	05	20	70.75
12	AAMIR ALI	SHAMARAIZ KHAN	15.25	30	07	18	70.25
13	JAMIL KHAN	ZAHRIR SHAH	15	30	07	18	70
14	ALI ARSHAD	MUHAMMAD ARSHAD	15.75	30	07	17	69.75

4. The applicant Mansoor Iqbal secured 55.5 marks, as detailed in Para-D of the comments, whereas, lastly selected individual namely Ali Arshad, secured 69.75 Marks.

5. Keeping in view the above background, it has been observed that present petitioner Mansoor Iqbal has secured 55.5 marks and the last person who has been selected in the Establishment of District & Sessions Judge (East), Islamabad has secured 69.75 marks, therefore, there is no occasion left to further scrutinize the selection process, which is otherwise transparent as petitioner has not alleged that any foul has been played in the recruitment process rather he is aggrieved on the ground that he has secured the highest marks which is not the position on record, therefore, in such type of situation, this Court heavily relied upon the view taken by the Apex Court in case law reported as 2008 SCMR 960 (Dr. Mir Alam Jan Vs. Dr. Muhammad Shahzad and others), wherein it has been held that:-

*---Art. 199---Constitutional jurisdiction of High Court---Scope--- Civil service---Appointment---High Court, in exercise of the constitutional jurisdiction under Art. 199 of the Constitution was not expected to perform the functions of a selection Authority in service matters so as to substitute its opinion for that of competent authority.*

Similarly, another view has been taken by the Apex Court in case law reported as 2015 SCMR 112 (Arshad Ali Tabassum Vs. The Registrar, Lahore High Court, Lahore), wherein it has been held that:-

*Art. 184(3)---Constitutional petition before the Supreme Court under Art. 184(3) of the Constitution---Post of Additional District and Sessions Judge---Interview---Interview Committee, opinion of---Non-interference by the Supreme Court---Allegation of malice on part of members of Interview Committee---Supreme Court could not substitute opinion of the Interview Committee on a bald allegation made by an unsuccessful candidate, who lost his chance in the interview---Constitutional petition was dismissed accordingly.*

6. Keeping in view the above background, instant writ petition is misconceived and the same is hereby dismissed.

(MOHSIN AKHTAR KAYANI)  
JUDGE

Zahid