

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

**Writ Petition No. 1350 of 2020**

Sumaira Farooq

*Versus*

Federation of Pakistan through Secretary and others

Petitioner By:	M/s Muhammad Shabbir Bhutta and Syed Sabir Hussain, Advocates
Respondents By:	Mr. Nazar Hussain Shah, Assistant Attorney General. Arshad Pervaiz, Deputy Director (Legal), ASF, Islamabad.
Date of Hearing:	03.09.2020

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**Ghulam Azam Qambrani, J:** Through this petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner has invoked the Constitutional jurisdiction of this Court, with the following prayer:-

*“Keeping in view the fact that the appointments of 39 male candidates also includes four posts of women quota allocated for Azad Kashmir female candidates which is not permitted under law, hence this Honourable Court may be pleased:-*

- i. To declare that the appointments of four male candidates out of 39 candidates against female quota are illegal, unlawful, unconstitutional and cannot sustain in the eyes of law. Sequence to above this Honourable Court may be pleased to call for report and parawise comments along with entire record of the illegal appointments.*
- ii. The petitioner also deserves selection/ appointment against one of the post of women quota against Azad Kashmir which has been allocated in excess of male quota.*
- iii. The operation of impugned orders of appointments may kindly be suspended till the decision of this Writ petition.*

- iv. Any other relief which this Honourable Court deems fit and appropriate may also be awarded."

2. Brief facts of the case are that on 14.04.2019, respondent No.3 i.e. The Director/ Force Security, Airport Security Force Camp, advertised 39 posts of Corporal (BS-07) in the newspaper against the quota of Azad Kashmir with following breakup:-

Sr. No.	Name of Post	Quota of Azad Kashmir	Number of posts
01	Corporal (BS-07)	Merit	33
02		Female	04
03		Minorities	02
Total			39

That the said respondent called desirous prospective candidates of the said post including petitioner to follow the prescribed selection process/tests including physical, medical, written conducted by Interior Testing Service and interview conducted by Airport Security Force. That after fulfilling all of the prescribed selection criteria which was also followed by the petitioner, respondents issued lists of selected candidates in March, 2020. The petitioner surprised to observe that even a single female selectee against the 04 posts of women quota from Azad Kashmir has not been selected. This thing clearly shows that quota allocated for women on said post has been given to male candidates contrary to the advertisement and law. Even she was kept in dark. That feeling aggrieved, petitioner filed representation/ appeal dated 17.03.2020 before the respondent No.2 but the same was not replied till date hence, instant petition.

3. Learned counsel for the petitioner contended that out of 39 posts of Corporal (BS-07), 04 were allocated for women quota and 02 for minorities but all the male candidates have been appointed on said posts which, *prima facie*, made on the basis of favouritism, nepotism and gender basis; that this act of respondents is against the provisions of Articles 3, 4, 8, 10-A, 25, 27 and 38 (e) of the Constitution of Islamic Republic of Pakistan, 1973; that no person or class of person can be denied same protection of law, which is

enjoyed by a person or other class of persons in like circumstances; that competent authority, while exercising discretion must not act in an arbitrary and fanciful manner, but judicially and in accordance with settled norms of justice. Lastly prayed that the said appointments be declared as illegal and that the petitioner also deserves her appointment against one of the post of women quota against Azad Kashmir, which has been allocated in excess of male quota.

4. *Per Contra*, learned Assistant Attorney General while arguing the case, repelled the contentions of learned counsel for petitioner and submitted that the list annexed with the petition is a self-made and is not prepared or issued by the respondents; that the list of four selected candidates on Azad Jammu and Kashmir have been appointed; that the contention of learned counsel for petitioner that a second advertisement regarding the same posts was made, is not correct. The appointments have been made strictly in accordance with the rules and conditions mentioned therein. Lastly, urged for dismissal of the instant petition.

5. I have heard the arguments of learned counsel for the parties and perused the record.

6. Perusal of the record reveals that Airports Security Force is functioning under the direct control of the Federal Government. Airports Security Force officers and members are subject to Pakistan Army Act, 1952. Airports Security Force made advertisement in the year 2019 for the recruitment of the posts of ASIs, Corporals and Ministerial Staff and for this purpose, they hired the services of Interior Testing Service for conducting written test of all the candidates; thereafter, recruitment of the eligible candidates was made after conducting physical and written test and on the basis of the same, the candidates were shortlisted and their interviews were conducted by a Board of Officers to assess their physical and mental worth and their loyalty towards the government.

7. The petitioner applied for the post of Corporal on the basis of Azad Jammu & Kashmir quota. Top of the merit list 5 candidates against each vacant post, including the petitioner, were called for interview, but performance of the petitioner was found "below average" and thereafter, merit list was prepared and on the basis of the same, most suitable candidates were recommended as per allocated quota. Petitioner failed to qualify for final selection and the four female candidates namely Noreen Irshad, Anum Kausar, Huma Khan and Umm-e-Saria, mentioned in Annexure-A of the written reply, filed by the respondents were appointed against AJK Female Quota for the post of Corporal (BPS.7).

8. The contentions of the learned counsel for the petitioner that appointments of 39 male candidates also includes four posts allocated for women quota of AJK, is misconceived as above mentioned names of the female candidates have been recommended against the said quota by the respondents. List of selected candidates provided by the petitioner (Annexure-F) does not bear any official stamp or signature. Moreover, learned counsel for the respondent as well as Deputy Director (Legal), ASF have refuted the said list and contended that the same has not been prepared or issued by the respondent department and relied on the copy of the list of the recommended candidates subsequently placed on record vide diary No.3289 dated 02.09.2020.

9. In view of what has been discussed above, the instant writ petition having no merits, is hereby **dismissed**.

~~Ghulam Azam Qambrani~~  
Judge

Announced in Open Court, on this 11<sup>th</sup> day of September, 2020.

~~Writ~~  
Judge

Rana M. U\*