

Form No: HCJD/C-121
ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Writ Petition No. 4539 of 2019

Muhammad Wasif Zulfiqar Ali
Vs
Pakistan Engineering Council, 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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27-02-2020.

Mr. Abdul Rehman Sheikh, Advocate for the petitioner.
Mr. Armaghan Saqib Khan, Advocate for respondents.

Mr. Muhammad Wasif Zulfiqar Ali son of Zulfiqar Ali (hereinafter referred to as the "**Petitioner**") has assailed letter, dated 17.12.2019, whereby offer letter issued to the petitioner was cancelled. The Petitioner in response to advertisement published in various newspapers applied for the post of HR Assistant (Pay Scale 14) in Pakistan Engineering Council. The eligibility criteria for the said post was explicitly mentioned in the published advertisement which, inter alia, included BBA(HRM)/MBA(HRM) (minimum 3GPA or equivalent). The Petitioner was interviewed and thereafter offer letter, dated 14.11.2019, was received by him. Paragraph 3 of the said letter unambiguously mentioned that the appointment

was subject to verification of educational certificates, experience certificate(s) and medical fitness certificate etc. The Petitioner accepted the offer and he was allowed by the Pakistan Engineering Council (hereinafter referred to as the "**Council**") to join his duties. Later, pursuant to verification of his educational certificates, it was disclosed that the petitioner had not obtained the required CGPA. The respondent Council, therefore, cancelled the offer made vide letter, dated 14.11.2019.

2. The learned counsel for the Petitioner has argued that; the letter whereby the petitioner was called for interview explicitly mentioned that the educational certificates were to be verified at the time of interview. The respondent Council had examined and verified the documents at the time of interview and no objection was raised and any failure on part of the employer cannot prejudice the rights of the petitioner; the impugned order has been passed in violation of fundamental rights guaranteed under the Constitution of the Islamic Republic of Pakistan, 1973; reliance has been placed on the cases titled "*Muhammad Rafi and another vs. Federation of Pakistan and others*" [2016 SCMR 2146] and "*PAKCOM Limited and others*

vs. Federation of Pakistan and others” [PLD 2011 S.C 44].

3. The learned counsel who has appeared on behalf of the Council has argued that; the petitioner was not eligible and offer letter, dated 14.11.2019, was conditional; the condition was known to the petitioner because it was explicitly mentioned in the said letter; the Petitioner was not eligible for appointment and, therefore, the impugned order does not suffer from any legal infirmity.

4. The learned counsels have been heard and the record perused with their able assistance.

5. The eligibility criteria published in the newspapers is admitted. Likewise the fact that the petitioner did not meet the required CGPA is also not denied. The offer made vide letter, dated 14.11.2019 was conditional. The petitioner was not eligible to apply for the post and this fact was obviously known to him because the criteria ~~were~~ mentioned in the advertisement published in various newspapers. No right had accrued in favour of the petitioner. An ineligible candidate could not have been allowed to continue in service. His appointment was void and, therefore, could have been revoked at any time.

6. For the above reasons, this petition is devoid of merits and thus accordingly dismissed.

CHIEF JUSTICE

Saeed