

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN,
GILGIT.**

Before:-

Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.

Mr. Justice Javed Iqbal, Judge.

Mr. Justice Shahbaz Khan, Judge.

**C. Misc No. 31/2016
in
CPLA. No. 36/2016.**

1. Ubaid-ur-Rehman Muqaddam s/o Mujeeb-ur-Rehman Gais
Pain Tehsil Chilas District Diamer. **Petitioner.**

Versus

1. Govt. of Gilgit-Baltistan through Chief Secretary, Gilgit-Baltistan.
2. Minister Education/Chairman Nomination Board Gilgit-Baltistan, Gilgit.
3. Secretary Education/Member Nomination Board Gilgit-Baltistan, Gilgit.
4. Deputy Secretary Education Gilgit-Baltistan, Gilgit.
5. Director Colleges/Member Nomination Board Gilgit-Baltistan, Gilgit.
6. Director Education Gilgit Region/Member Nomination Board Gilgit-Baltistan, Gilgit.
7. Secretary Health/Member Nomination Board Gilgit-Baltistan, Gilgit.
8. Rehmat Alam s/o Jahangir Khan c/o Rehmat Jan Sub Engineer Water & Power Division Chilas District Chilas.

Respondents.

**PETITION FOR LEAVE TO APPEAL UNDER ARTICLE 60 OF
GILGIT-BALTISTAN (EMPOWERMENT & SELF
GOVERNANCE) ORDER, 2009 AGAINST THE IMPUGNED
JUDGMENT DATED 22.03.2016 PASSED BY THE GILGIT-
BALTISTAN CHIEF COURT IN WRIT PETITION NO.
15/2016, THE IMPUGNED JUDGMENT DATED 23.03.2016
MAY BE SET ASIDE BEING AGAINST THE FACTS, AND
ALSO AGAINST THE SPIRIT OF JUDGMENT OF GILGIT-
BALTISTAN CHIEF COURT DATED 12.01.2016 PASSED IN
WRIT PETITION NOS. 149/2015, 151/2015 AND 153/2015
WHEREBY THE GILGIT-BALTISTAN CHIEF COURT HELD
THAT “THE SUBMISSION OF THE LEARNED COUNSEL
FOR THE PETITIONERS REGARDING NOMINATION OF A
CANDIDATE IN A PROVINCE CANNOT BE ACCDED TO, SO
THE SAME SHALL NOT ONLY DEPRIVE THE CANDIDATES
WHO HAVE GOT FAR MORE MARKS IN ENTRY TEST THAN
THE PRESENT PETITIONERS.**

PRESENT:-

1. Mr. Asadullah Khan Advocate for the petitioner.
2. Advocate General Gilgit-Baltistan along with Mr. Amjad Hussain on behalf of respondents.

DATE OF HEARING: - 03.06.2016.
ORDER.

Dr. Rana Muhammad Shamim, CJ..... The instant petition has been arisen out of the impugned judgment in Writ Petition No. 15/2016 dated 22.03.2016 passed by the learned Chief Court Gilgit-Baltistan.

The brief facts of the case reveal that the petitioner applied nomination against the reserved seats in the Medical Colleges of Punjab, AJK and KPK for the academic year 2015-2016. The answering respondents vide their provisional selection list nominated the name of above petitioner in Punch Medical College Rawala Kot AJK but his name was dropped in the subsequent list. The final list of nomination was made impugned by one Waqar Ali Shah through Writ Petition No. 153/2015 before the learned Divisional Bench of Gilgit-Baltistan Chief Court, wherein the concerned department alongwith eleven (11) other candidates who were duly nominated in different institutions against the reserved Medical seats were arrayed as respondents.

The learned counsel for the petitioner submits that the petitioner in pursuance of the judgment dated 12.01.2016 passed by the learned Gilgit-Baltistan Chief Court also filed Writ Petition No. 15/2016 with the prayer that the petitioner may be treated

equally among equals which upon hearing was dismissed vide judgment dated 22.03.2016. The petitioner feeling aggrieved and dissatisfied filed this petition for leave to appeal before this court. This court vide its order dated 19.04.2016 granted leave to appeal.

We have heard the learned counsel for the petitioner at length, perused the record of the case file and gone through the impugned judgment dated 22.03.2016 passed by the learned Gilgit-Baltistan Chief Court as well as the judgment dated 12.01.2016 passed by the learned Gilgit-Baltistan Chief Court.

The petitioners admittedly qualified on merit amongst 11 others, however 11 were adjusted against the allocated quotas of Punjab, Azad Jammu & Kashmir (AJK) and Khyber Pukhtunkhuwa (KPK) for the academic years 2015-2016. Whereas he was deprived of admission in MBBS though he was placed equally among equals.

Since the matter pertains to the career of a student, we partially allow this petition with the direction that the Government of Gilgit-Baltistan without affecting the reserved seats quota of Medical Colleges for the year 2015-2016, the petitioner may also be adjusted/accommodated by requesting Chief Minister Punjab in any Medical College of Punjab in the year 2016-2017 sessions. This court appreciates the Punjab Government in accommodating the students of this region in Medical Colleges, Engineering, IT and Agriculture & other Universities. We trust that in case Gilgit-Baltistan Government approaches to the **Hon'ble Khadim-e-Ala**

Punjab and requests him for such admission of the petitioner in the next session, he would be surely got-admitted.

This petition is disposed off in above terms.

Chief Judge.

Judge.

Judge.

Whether the case is fit to be reported or not?