

THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

Present:

Justice Qazi Faez Isa, C.J.

Justice Amin-ud-Din Khan

Justice Athar Minallah

Civil Petition No.225-P of 2023

*(Against the judgment dated 22.02.2023
of the Peshawar High Court, Mingora
Bench (Dar-ul-Qaza) Swat passed in WP
No.657-M of 2020)*

*Government of Khyber Pakhtunkhwa through
Secretary,, Elementary & Secondary Education
Department, Peshawar and others*

...Petitioners

Versus

Amjad ur Rahman and others

...Respondents

For the petitioners: Mr. Sultan Mazhar Sher Khan, Additional Advocate
General, Khyber Pakhtunkhwa a/w
Mr. Mehmood Ghaznavi, D.E.O. (Male) Chitral

Respondent No.1: In person.

Date of hearing: 11 December 2023

ORDER

Qazi Faez Isa, CJ. This is yet another prime example of frivolous litigation being initiated by a provincial government. The petitioners had advertised in the year 2018 for the selection of two computer teachers in basic pay scale of 12 and had prescribed the minimum qualification as Intermediate with one year diploma in computer sciences. The respondent No.1 held a B.Sc. and M.Sc. degree in computer science and came on the top of the merit list but still was not appointed for the reason that he was over-qualified. It appears that those in charge of educating the children of the province were bereft of common sense by disqualifying a person who was more qualified and thus better placed to impart computer science education and favoured one less qualified. Not only the respondent No.1 was made to suffer but the children, who would have benefited from his knowledge, were condemned.

2. There is no reason to interfere with the impugned judgment. Leave to appeal is declined and this petition is dismissed with costs incurred by the respondent No.1, that is two hundred thousand rupees to be paid to the respondent No.1 on or before 31 December 2023. Needless to state the judgment regarding appointment of respondent No.1 will also be implemented by or before such date, and if it is not complied with, the Secretary, Elementary & Secondary Education, Government of Khyber

Pakhtunkhwa may be proceeded against for contempt of Court. A copy of this order be sent to the petitioners and the respondents, to the Advocate General, Chief Secretary and Secretary Law of Khyber Pakhtunkhwa who will undoubtedly ensure that the government does not generate such unnecessary litigation and then, for no valid legal reason, challenge the decisions of the High Court which also drains the resources of the government, paid for by the taxpayers.

Chief Justice

Judge

Judge

Islamabad

11.12.2023

M. Azhar Malik/*

APPROVED FOR REPORTING