**JUDGMENT SHEET**

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**

**WRIT PETITION NO. 881 OF 2021**

**Dr. Saquib Yusuf**

**Versus**

**Public Procurement Regulatory Authority and others.**

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| **Petitioner by** | **:** | **Mr. Afnan Karim Kundi & Muhammad, Advocates.** |
| **Respondents by** | **:** | **Mr. Taimoor Aslam Khan, Advocate for the Respondent No.1.**<br>**Mr. Muhammad Tayyab Malik, Advocate for the respondent No.4.** |
| **Date of Hearing** | **:** | **18.09.2025** |

**MUHAMMAD AZAM KHAN, J.** Through the instant petition filed under Article 199 of the Constitution, the petitioner has assailed the office letter dated 28.04.2020 issued by the Managing Director, Public Procurement Regulatory Authority (PPRA), whereby he was directed to furnish a certificate from the Higher Education Commission (HEC) validating his academic qualification in Human Resource Management (HRM), failing which his services were to be terminated after the expiry of fourteen days.

**2.** Briefly stated, the PPRA advertised multiple posts, including that of Director (HR). The requisite criteria prescribed for the said post were:

**i.** MA/MSc degree (16 years education) with at least 45% marks in HRM or equivalent from an HEC-recognized university; and

**ii.** at least seven years' post-qualification experience in BS-18/equivalent or above in Government or Autonomous Bodies in the relevant field.

**3.** The petitioner, Dr. Saquib Yusaf, applied for the said post, presenting his academic background including a Ph.D. degree claimed to be in HRM. He was selected for appointment. However, during subsequent scrutiny, it transpired that his qualifications did not correspond to the eligibility criteria.

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**4.** The PPRA accordingly required him to justify, through an HEC equivalence certificate, whether his MBA (ITM) degree from the International Islamic University Islamabad could be considered interchangeable with a 16-year qualification in HRM, in following words: -.

> "Whether your MBA (ITM) from International Islamic University Islamabad is equivalent to and interchangeable with 16 years' Master's or Bachelor's Degree in the field of HRM, required as a minimum qualification to determine an eligibility for the post of Director (HR) PPRA or otherwise."

**5.** Learned counsel for the petitioner argued that his appointment had been approved by the PPRA Board in its 35th meeting held on 05.01.2018, and therefore his removal could not have been effected without the Board's approval. It was contended that under the PPRA Service Regulations, 2017, the power of appointment and removal vests with the Board, and consequently, the impugned action taken by the Managing Director was without lawful authority.

**6.** Conversely, learned counsel for Respondent No. 1 has controverted the submissions made on behalf of the petitioner and argued that the petitioner never possessed the prescribed minimum qualification for the post of Director (HR). His academic record reveals only a Bachelor's degree in Arts, an MBA in Information Technology Management (ITM), and a Ph.D. in Social and Economic Sciences. However, in his application, the petitioner misrepresented his doctorate as being in Human Resource Management, thereby attempting to mislead the competent authority. Learned counsel has further invited the attention of this Court to the minutes of the 37th meeting of the PPRA Board held on 01.04.2019, wherein the Board resolved as follows: –

> *"The Board delegated all the powers to Managing Director regarding decision on the appointment related issues as well as of probation including confirmation, extension of probation and termination of service, relevant court matters as the case may be, and authorized him to decide accordingly being Competent Authority and the only full time Member of the PPRA Board."*

**7.** While referring to the aforesaid decision of the Board, learned counsel submits that the impugned termination letter was issued strictly pursuant to the

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delegated powers conferred upon the Managing Director, and therefore cannot be termed as lacking lawful authority. He further contends that the petitioner, being a probationer, enjoyed no vested right to continue in service, and his tenure could be lawfully brought to an end without the necessity of a show-cause notice. Placing reliance on the judgment reported as *2022 PLC (C.S) 730*, learned counsel maintains that once the competent authority has exercised its discretion to terminate the services of a probationary employee, such decision does not warrant interference by this Court in the exercise of its constitutional jurisdiction.

**8.** Learned counsel for Respondent No. 4, while supporting the petitioner's contention to the limited extent of equal treatment—on the ground that certain other employees were similarly deficient in qualifications—has, however, candidly conceded in paragraph *E* of the written comments in the following words: –

> *"That the petitioner doesn't possess minimally required academic qualification in the field of HRM or any higher qualification (i.e. Doctorate Degree) in the same field of HRM, because his 16-years Bachelor's Degree (as MBA-ITM (Information Technology Management) and his Doctorate Degree (without going through MS/Phil Program) is in the field of Social and Economic Sciences as reflected from his academic record of the doctorate program (*at pages 59 & 63 of the WP*) and the same is also reflected from HEC Letter dated 14-02-2018 (*at page 64 of the WP*). He in his Application Form declared his Doctorate Program as PhD with major subjects in HRM rather than the actual one i.e. Social and Economics Sciences."*

**9.** I have heard the learned counsel for the parties at length and have carefully examined the available record with their valuable assistance.

**10.** The core issue that arises for determination is whether the petitioner was eligible at the time of submitting his application for the advertised post. The answer, in light of the record, is clearly in the negative. The petitioner did not possess the qualification prescribed in the advertisement. Rather, he maneuvered his credentials in a manner designed to misrepresent his eligibility and thereby gain entry into public service through deceptive means, ultimately causing loss of confidence in the integrity of the recruitment process. Once a public servant is found to have secured appointment by misrepresentation, thereby betraying the public trust, it would be wholly inappropriate to permit his continuance in service.

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**11.** It is, however, equally disconcerting that the department itself remained passive for a considerable period before reaching the conclusion that the petitioner had procured appointment by misrepresentation. This inaction suggests that elements within the department may have colluded in allowing the petitioner to bypass eligibility requirements. Despite the advertisement clearly stipulating that action would be taken against any candidate found guilty of misrepresentation, no penal proceedings were initiated for years. Such lapses undermine the credibility of public institutions and cannot be condoned.

**12.** Since the petitioner lacked the basic qualification prescribed for the post, he could not, in law or equity, claim any right to continue in office. His appointment was vitiated from its very inception, and being on probation, his services were rightly terminated by the competent authority in exercise of delegated powers. A probationer enjoys no vested right of permanence in service, and termination during probation, if supported by valid reasons, cannot be termed unlawful. Respectfully following the ratio laid down in *2022 PLC (C.S) 730*, wherein it was held that termination of a probationary employee by the competent authority does not warrant interference in the constitutional jurisdiction of this Court, it is held that the instant petition is devoid of merit.

**13.** Accordingly, the petition stands ***dismissed***, with parties left to bear their own costs.

**(MUHAMMAD AZAM KHAN)**
**JUDGE**

Announced in the open court on _____.

**JUDGE**

**Approved for Reporting**
**Blue Slip added**

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