ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No.3089 of 2021
Kashif Zaman
Versus
Federation of Pakistan and another

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	17.01.2023	**M/s Muhammad Shoaib Shaheen, Mirza Waqas Qayyum and Nasir Saleem, Advocates for the petitioner.** **Syed Ahsan Raza Kazmi, learned Deputy Attorney-General.** **M/s Muhammad Irfan Ch., Director (Media and Legal) and Abid Mehmood Ch., Section Officer (Litigation), Ministry of Information and Broadcasting.** **Through the instant writ petition, the petitioner, Kashif Zaman, impugns the letter dated 17.08.2021 from the Ministry of Information and Broadcasting (“Ministry of I&B”), turning down the petitioner’s representation seeking his posting as Press Minister (BPS-20) at Pakistan’s Diplomatic Mission in London.** **2. The facts essential for the disposal of the instant petition are that the petitioner had participated in a competitive process for appointment as Press Minister (BPS-20) at Pakistan’s Diplomatic Mission in London. He was one of the two candidates who appeared in the written test conducted by National University of Science and Technology (“NUST”) on 26.06.2021. The petitioner was able to obtain 54 marks whereas the other candidate got 49 marks. Thereafter, the petitioner was required to appear in the interview scheduled for 19.07.2021. Apparently, only the petitioner appeared in the interview and was able to obtain 50.66% marks. The Chairman of the Interview Committee, i.e., the Federal Minister for I&B did not give the petitioner**

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any marks. Thereafter, the petitioner waited for the outcome of the competitive process. On 10.08.2021, he submitted a representation before the Secretary, Ministry of I&B seeking his posting as Press Minister (BPS-20) at Pakistan's Diplomatic Mission in London. Through the impugned letter dated 17.08.2021, the petitioner was informed *inter alia* that interview panel did not consider him fit for posting against the said post. The petitioner was also informed that the posting had to be made on the basis of seniority-cum-fitness and that he had not crossed the benchmark of fitness. The said letter dated 17.08.2021 has been assailed by the petitioner in the instant writ petition.

3. Learned counsel for the petitioner, after narrating the facts leading to the filing of the instant petition, submitted that the criteria for selecting officers for appointment against posts at Pakistan's Diplomatic Missions abroad was set out in Establishment Division's letter dated 16.07.2014; that the petitioner was the only candidate who had passed the written test as well as the interview; that the mere fact that the Chairman of the Interview Committee did not give any marks to the petitioner cannot vitiate the competitive process but would be treated as having given zero marks to the petitioner; and that since the petitioner was the only candidate who was eligible for posting as Press Minister (BPS-20) at Pakistan's Diplomatic Mission in London, the instant petition ought to be allowed.

4. Learned counsel for the petitioner further submitted that the Ministry of I&B, in its summary dated 05.08.2021, had concealed material facts from the Prime Minister; that the summary does

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not mention that the petitioner had passed the written test as well as the interview; that in the past, the Ministry of I&B has issued posting orders to a single qualified candidate; and that the new criteria submitted by the Ministry of I&B to the Prime Minister in the summary dated 26.12.2022 cannot be given retrospective effect.

5. On the other hand, learned Deputy Attorney-General tendered appearance with Muhammad Irfan Ch., Director (Media and Legal), Ministry of I&B, and submitted that the Chairman of the Special Selection Board i.e., the Minister for I&B, after interviewing the petitioner observed that he was not fully prepared and did not come up to the expectation and satisfaction of the Board; that about the petitioner, it was also observed that the petitioner had no broad-based plan and strategy to cope with the emerging strategic media challenges; and that there is no impediment before the petitioner from participating once again in the competitive process after the new guidelines are approved by the Prime Minister. Learned Deputy Attorney-General prayed for the writ petition to be dismissed.

6. I have heard the contentions of the learned counsel for the petitioner as well as the learned Deputy Attorney-General and have perused the record with their able assistance. The facts leading to the filing of the instant petition have been set out in sufficient detail in paragraph 2 above and need not be recapitulated.

7. It is not disputed that the petitioner obtained 54 marks in the written test. As per the brief submitted by the Ministry of I&B, the pass marks for the written test were 50%.

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8. Vide letter dated 05.11.2018 from the Prime Minister's Office, the Special Selection Board for the selection of officers for posting in the Information Sections of Pakistan's Diplomatic Missions abroad had been reconstituted. The Board comprised of the Minister for I&B as Chairman, four Members and a Secretary.

9. The petitioner's interview by the Special Selection Board was conducted on 19.07.2021. All the Members of the Board save the Minister gave marks to the petitioner on (i) professional skills / accomplishments, (ii) knowledge of national and international affairs, (iii) articulation & communication skills, and (iv) appearance, manners & interpersonal skills. The interview carried a total of 30 marks. Since there were five members of the Selection Board, the total marks that could be awarded by all of them were 150 marks. As mentioned above, the Minister for I&B did not award any marks whereas the four other members awarded 76 marks to the petitioner which aggregates to 50.66%.

10. Having passed the written test as well as the interview, the petitioner could have been posted as Press Minister (BPS-20). However, the summary submitted to the Prime Minister by the Ministry of I&B on 05.08.2021 shows that the petitioner was the only candidate for the post of Press Minister (BPS-20), and that to ensure fair competition, it had been decided to seek fresh applications for posting against the vacant post of Press Minister (BPS-20) at Pakistan's Diplomatic Mission in London. Nothing else is mentioned about the petitioner in the said summary. The proposal for seeking fresh applications for appointment against the said post was approved

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by the Prime Minister on 13.08.2021. Thereafter, the Ministry of I&B opted not to initiate any process or invite fresh applications for posting against the vacant post of Press Minister (BPS-20).

11. After the petitioner filed the instant writ petition, the Ministry of I&B submitted another summary to the Prime Minister on 26.12.2022 proposing new policy guidelines for the selection of Press Officers (Information Group Officers for posting in Information Sections abroad). Till date no decision has been taken by the Prime Minister on the said summary. Be that as it may, the said guidelines as and when approved by the Prime Minister would apply to any selection process that is initiated after such approval.

12. The summary dated 05.08.2021 submitted to the Prime Minister does not mention that the petitioner had passed the written test as well as the interview. It just mentions that he was the only candidate for the post of Press Minister (BPS-20). Since this vital information was withheld by the Ministry of I&B from the Prime Minister, the decision to scrap the earlier process and to initiate a fresh one needs to be revisited.

13. As regards the impugned letter dated 17.08.2021, the same is not commensurate to the facts on the record. I say so because in the said letter, it is mentioned that the petitioner had not crossed the benchmark of fitness when infact he had passed the written test as well as the interview. This ground is enough for the said letter dated 17.08.2021 to be set-aside.

14. I have noted with dismay that after submitting summary dated 05.08.2021 to the Prime Minister, no process had been initiated to

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seek fresh applications for posting against the vacant post of Press Minister (BPS-20) at Pakistan's Diplomatic Mission in London. After the Prime Minister approved the proposal in the said summary on 13.08.2021, the Ministry of I&B slept over the matter for almost **one and a half year** and it is only when this Court passed the order dated 22.12.2022 requiring the Secretary, Ministry of I&B to explain as to why a process for inviting fresh applications had not been initiated that the said Ministry submitted a summary on 26.12.2022 seeking approval of the Prime Minister for fresh guidelines. This apathy in the Ministry of I&B amounts to sheer maladministration. Furthermore, this inexplicable delay by the Ministry of I&B has resulted in the person performing duties of Press Minister at London to hold on to the said post for years on end. This is also something that the Ministry of I&B will have to account for.

15. In view of the above, the instant writ petition is allowed to the extent that the said letter dated 17.08.2021 is set-aside. The Secretary, Ministry of I&B shall afford an opportunity of a hearing to the petitioner and pass a reasoned order within one month from today on his representation dated 10.08.2021 which would be treated as pending. Office is directed to transmit a copy of this order to the Secretary, Ministry of I&B for compliance and report through the Registrar of this Court for perusal in Chambers. There shall be no order as to costs.

(MIANGUL HASSAN AURANGZEB)
JUDGE

*Ahtesham**

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