JUDGMENT SHEET

ISLAMABAD HIGH COURT, ISLAMABAD

JUDICIAL DEPARTMENT

Writ Petition No.626 of 2024

Muhammad Shahmir Khan
Vs.
Federal Public Service Commission

Petitioner by:	Mr. Harris Shujah Minhas, Advocate.
Respondent by:	Mian Muhammad Faisal Irfan, DAG along with Muhammad Arshad, AD (Legal), FPSC.
Date of Decision:	**20.05.2025.**

INAAM AMEEN MINHAS, J.- Through the instant writ petition, the petitioner has challenged the memorandum dated 04.07.2023 **("Impugned Memorandum")** issued by the respondent, whereby the representation filed by the petitioner on 05.01.2023 against rejection of candidature for Competitive Examination (CSS) 2022 was dismissed due to his absence.

2. Brief facts of the case are that the petitioner appeared in Competitive Examination (CSS) 2022 at Sindh Public Service Commission Centre, Hyderabad. The petitioner appeared in 12 subjects. He passed 10 subjects whereas he failed in 2 subjects. The 2 failed subjects are English Essay and Pakistan Affairs. The petitioner scored 25 marks out of 100 in English Essay and scored 8 marks out of 100 in Pakistan Affairs. The petitioner scored good marks in the remaining 10 subjects. The petitioner being able to score 55 marks out of 100 in English Precise and Compositions doubtfully scored 25 marks out of 100 marks in English Essay. Similarly, how can the petitioner who scored 52 marks out of 100 in GK2 Current Affairs a much more complicated subject score pitiably low as 8 marks in the GK3 Pakistan Affairs, which gave rise to reasonable doubt about unfair results and anomalies. Therefore, on 05.01.2023 the petitioner filed an

UNCERTIFIED

application/representation before the respondent under Rule 17(1) of the CSS-Competitive Examination, Rules, 2019 against the less marks in his two papers, which was dismissed vide the Impugned Memorandum due to absence of the petitioner, hence, this petition.

3. The learned counsel for the petitioner contended that the petitioner was called by the respondent on 19.06.2023 regarding his representation but he could not reach the venue in Karachi due to traffic blockage; that the respondent dismissed the representation of the petitioner against the principles of natural justice; that dismissal of the representation and not satisfying the petitioner about marking procedure and compare the examination sheets with other passed candidates is not sustainable in the eye of law.

4. On the other hand, the learned DAG contended that the petitioner had alternate remedies of review petition before the Commission and then appeal before this Court within limitation period u/s 7(3) (b) and (d) of FPSC Ordinance, 1977 but the petitioner failed to avail the statutory remedies within limitation period, therefore, the Impugned Memorandum has attained finality and that after announcement of final result of Competitive Examination (CSS) 2022, the respondent had issued recommendation/allocation against all the vacancies, which have been filled up according to the reserved domiciliary quotas, therefore, the matter has become past and closed transaction.

5. I have heard the arguments and perused the record.

6. Perusal of the record reveals that on 05.01.2023 the petitioner filed an application/representation before the respondent under Rule 17(1) of the CSS-Competitive Examination, Rules, 2019 against the less marks in his two papers of Competitive Examination (CSS) 2022, which was dismissed vide the Impugned Memorandum due to absence of the petitioner. The claim of the petitioner that he was called by the respondent on 19.06.2023 regarding his representation but he could not reach the venue in Karachi due to traffic blockage is a disputed question of fact, which cannot be decided in writ jurisdiction.

UNCERTIFIED

7. Moreover, u/s 7(3)(b) and (d) of FPSC Ordinance, 1977 the petitioner had alternate remedies of review petition before the respondent and then appeal before this Court, which were not availed by the petitioner.

8. In view of above discussion, the instant writ petition is not maintainable, therefore, the same is **dismissed.**

(INAAM AMEEN MINHAS)
JUDGE

R.Anjam

UNCERTIFIED