JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No. 301 of 2025

Asif Mehmood

Versus

Federation of Pakistan through Ministry of Health Services Regulation and Coordination & others.

Petitioner by	:	M/s. Faisal Manzoor and Mufeed Khan, Advocates.
Respondents by	:	Ms. Shaista Tabassum, AAG assisted by Mr. Muhammad Yasin, A.D PIMS
Date of Hearing	:	19.06.2025

MUHAMMAD ASIF, J. This Writ Petition, filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, carries the following prayer clause:

> *"Wherefore, it is most respectfully prayed that this Hon'ble Court may be pleased to:*
>
> *Direct the respondents to follow the recruitment process as per service rules and regulations. And the recruitment of the petitioner may kindly be made. To appoint the petitioner at BPS-07 at post of Storekeeper one merits and the candidates who are recruited without merit may kindly be suspended.*
>
> *And such other relief as this Hon'ble Court deems fit and proper in the circumstances of the case, may also be awarded to the petitioner."*

2. The brief but relevant facts necessary for adjudication of the instant petition are that respondent No.2, the Pakistan Institute of Medical Sciences (**"PIMS"**), advertised 404 vacant posts ranging from BPS-01 to BPS-15 through Newspapers on 31.05.2024. These appointments were intended to be made through initial recruitment in accordance with the applicable service rules and procedures. The petitioner, aspiring to secure employment, applied for the position of Storekeeper (BPS-07) through the designated online portal. Upon successful submission of his application, the petitioner was issued a call

letter dated 24.10.2024 for participation in the written examination. Having appeared in the test, the petitioner was subsequently issued a call letter for the interview phase and duly appeared before the relevant Departmental Selection Committee (**"DSC"**). The grievance of the petitioner arose when, despite appearing in both the written test and interview, he was not selected. The petitioner claims that the interview was conducted in a perfunctory manner, devoid of any subject-specific questioning, and that the entire recruitment process lacked transparency and objectivity. Aggrieved by the selection and appointment of respondent Nos.3 and 4 to the post of Storekeeper (BPS-07) against the Islamabad quota, the petitioner has challenged the recruitment process and sought relief through the instant writ petition, alleging violation of merit, arbitrariness, and infringement of constitutional guarantees.

3. Learned Counsel representing the Petitioner submits that the Petitioner has successfully cleared written test and had secured highest marks i.e. 42 out of 70; after that, he was short-listed for interview, but the Respondents did not consider him for appointment as Storekeeper (BPS-07) without any cogent reason and appointed another candidates, who are below marks than the Petitioner in a written test; besides such an act appears to be a violation of merit. It is next argued that the act of Respondents to appoint those candidates who obtained less marks than the Petitioner seems to be an act of nepotism and favouritism, is illegal, unlawful and in violation of the fundamental rights of the Petitioner guaranteed under the Constitution of Islamic Republic of Pakistan, 1973. Learned Counsel further argued that there is a clear discrimination in the appointment of candidates having less marks than the Petitioner, who have obtained highest marks than those appointed. Lastly, he argued that the act of the Respondents by not selecting the Petitioner for the post of Storekeeper may be declared illegal, unlawful and unconstitutional; besides, directions may be issued to the Respondents to appoint the Petitioner for the subject post owing to having obtained better marks obtained in written test.

4. Conversely, learned Assistant Attorney General, assisted by Assistant Director PIMS contends that allegations raised by learned Counsel for the Petitioner are vague in nature; that the recruitment process was conducted strictly in accordance with law and relevant service rules; that the skill/written test for posts from BPS-06 to BPS-15 was outsourced to the Health Services Academy (HSA), Islamabad, an independent testing agency; that the written test was conducted on 18.11.2024, and the HSA prepared the list of candidates who qualified for the interview based on the written test results; that according to the HSA merit list, the petitioner obtained 42 out of 70 marks and was accordingly shortlisted for interview under the Islamabad Capital Territory quota. The learned counsel further submitted that the Executive Director of PIMS, being the competent appointing authority, constituted the relevant DSC in light of the Ministry of NHSR&C's Notification dated 11.07.2019, issued pursuant to the Establishment Division's guidelines; that the DSC interviewed a total of 10 shortlisted candidates for two available posts of Storekeeper (BPS-07), and the criteria for final selection was based on a bifurcated assessment 70% for the written test and 30% for the interview as laid down in the Establishment Division's Office Memorandum dated 16.01.2015. It was asserted that the petitioner failed to achieve sufficient aggregate marks when the written and interview scores were combined; that the petitioner secured a total of 56.5 marks, whereas respondent Nos.3 and 4 obtained 60.80 and 58.70 marks respectively, and were accordingly selected on merit against the reserved quota. The learned counsel clarified that the DSC was duly empowered to assess the overall suitability of candidates based on relevant qualifications, experience, knowledge, and interpersonal skills; that the process followed was in conformity with the applicable rules, particularly the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973; that the recommendations of the DSC were duly approved by the competent authority, and the appointments were made without any deviation from the prescribed procedure; that the allegations of bias, mala fide, and constitutional infringement were categorically denied. The learned

counsel argued that the petitioner's assertions were speculative and lacked evidentiary substance; that since the selection process was conducted transparently and in accordance with law, no interference by this Court is warranted. He accordingly prayed for dismissal of the writ petition for being devoid of merit.

5. I have heard the learned counsel for the parties and examined the available record with their valuable assistance. The perusal of the record reflects that the recruitment process for the post in question Storekeeper (BPS-07) was carried out in accordance with the advertised criteria and the applicable rules, particularly the Civil Servants (Appointment, Promotion, and Transfer) Rules, 1973. The written screening test was conducted by a neutral agency, Health Services Academy (HSA), and the DSC was duly constituted by the competent authority. The criteria for final selection, comprising 70% weightage for the written test and 30% for the interview, is not only prescribed but also in line with the policy of the Establishment Division dated 16-01-2015. It is an admitted position that the petitioner secured 42 marks in the written portion and, after aggregation with the interview marks, obtained a total of 56.5 marks. On the other hand, the private respondents No.3 & 4, who were selected, secured 60.80 and 58.70 marks respectively. Thus, the selection of respondents No.3 and 4 was made on the basis of overall higher merit.

6. The main grievance of the petitioner is centered on alleged favoritism, violation of merit, and arbitrariness in the interview process. However, beyond mere assertions and general allegations, no tangible evidence has been brought on record by the petitioner to substantiate that the interview process was vitiated by malafide, bias, or any extraneous consideration. It is a settled principle of law that a writ of certiorari cannot be issued to quash an administrative action on the basis of mere conjectures or unsubstantiated accusations as the burden lies upon the petitioner to establish with cogent material that the process suffers from legal malice or procedural illegality.

7. Furthermore, the contention of the petitioner that no subject-related question was asked in the interview, even if accepted, does not by itself render the interview process illegal or unfair. The assessment criteria include various elements such as communication skills, attitude, suitability, and general knowledge, which are within the domain of the DSC to evaluate. Judicial interference in the subjective satisfaction of the selection committee is warranted only where arbitrariness, mala fide intent, or violation of law is demonstrably proven, which is absent in the present case.

8. It is also worth noting that appointments in public service are not enforceable rights unless there is a violation of a vested legal or fundamental right. The petitioner cannot claim a right to be appointed merely on the ground that he was called for an interview or scored relatively better in one segment of the recruitment process and mere participation in a selection process does not confer any right to appointment unless the selection process itself is shown to be illegal, discriminatory, or in breach of statutory rules.

9. The allegation that the selected candidates were of lower merit is factually incorrect. The petitioner's merit position, when assessed in accordance with the prescribed 70:30 ratio, placed him below the selected candidates. His reliance on the marks obtained solely in the written portion is misplaced, as it ignores the holistic evaluation formula that governs the final selection.

10. It is well settled that mere participation in a recruitment process or scoring high in one component of the process does not confer a vested right to appointment. Appointment to public posts is subject to the outcome of a composite evaluation, which generally includes a written test, skill assessment, and interview. In the present case, no evidence has been brought on record to demonstrate that the appointments made were contrary to law or that any ineligible candidate was appointed by bypassing mandatory requirements.

11. The principle of equality under Article 25 of the Constitution, invoked by the petitioner, mandates equal treatment amongst equals. However, once a transparent and competitive process is conducted, and appointments are made according to merit determined through a duly notified process, the plea of discrimination loses force unless the petitioner is able to show that the process was tailored to exclude him in a deliberate and arbitrary manner. No such case is made out here.

12. The learned counsel for the respondents has rightly argued that the courts do not sit as appellate authorities over the selection process. Unless it is demonstrated that the process was a mere façade or a colourable exercise of power, judicial restraint must be observed in matters involving selection and appointment.

13. Even otherwise, it is a settled principle of law that once a recruitment process has been concluded, appointments made thereunder have been finalized, and the appointees have assumed charge, such matters attain finality and cannot be reopened after an unreasonable lapse of time merely on the basis of subsequent dissatisfaction or disputed merit position. The superior courts have consistently held that courts should not disturb past and closed transactions unless the impugned action suffers from patent illegality or jurisdictional defect and further held appointments made pursuant to a concluded process cannot be undone or interfered with on the basis of unsubstantiated claims, especially when no vested right has accrued in favor of the claimant. Therefore, the matter, having attained finality, falls within the ambit of a past and closed transaction, not warranting interference by this Court. I have noticed that the process of the advertisement appeared in daily newspaper, written test, interview, appointment orders and duty joining reports have taken place, but we could not find any illegality or irregularity in the entire process of selection of the private respondents. On the other hand the burden was on the petitioners, who had to make out their case on merit for consideration of their candidature after participating in the test and

interview, but they instead of making their own case for consideration of their appointment, have challenged the appointment of the respondents on flimsy grounds.

14. In view of the foregoing discussion, it is evident that the petitioner has failed to make out a case of violation of any constitutional, legal, or fundamental right. The selection process was carried out in accordance with applicable rules, and the petitioner, having failed to qualify on merit, cannot claim any vested right to appointment.

15. In view of above, instant writ petition, being devoid of merit, is hereby **dismissed**.

(MUHAMMAD ASIF)
JUDGE

Announced in open Court on ___.07.2025

JUDGE

Malik Kakar