JUDGMENT SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

UMER FAROOQ NASIR AND OTHERS
(IN W.P. NO. 1578 OF 2025)

GHULAM YASRAB AND OTHERS
(IN W.P. NO.1628 OF 2025)

TAHIR RIAZ SINDHU AND OTHERS
(IN W.P. NO.1770 OF 2025)

VS
MINISTRY OF RELIGIOUS AFFAIRS AND INTERFAITH HARMONY AND OTHERS
(IN ALL CASES)

Petitioners by	**:**	**Hafiz Liaqat Manzoor Kamboh, Advocate for the Petitioners in all above-titled Writ Petitions.**
Respondents by	**:**	**Raja Zamir-ud-Din Ahmed, A.A.G.** **Mr. Abid Nawaz, Assistant MoRA.** **Mr. Atiq Abbasi, APS MoRA.**
Date of hearing	**:**	**27.05.2025**

MUHAMMAD AZAM KHAN, J.

1. Through this single judgment, I intend to dispose of above titled three (03) Writ Petitions as similar facts and questions of law are involved and in all the Writ Petitions in all the three petitions have prayed for the following: -

(i) To issue directions to the Respondents to immediately issue notification to all the remaining 450 selected Moavineen/Welfare Staff, including Petitioners, as per merit and Hajj Policy-2025; and

(ii) To restrain the Respondents from filling the said positions through political or departmental favoritism in violation of the competitive selection process.

2. The brief facts of the case are that the Respondents published Advertisement No. F.2(1)/2025-PW (MORA & IH) to hire Moavineen/Nazims for Hajj 2025 in two categories i.e., offering 80 supervisory positions (BPS-17 to BPS-18) and 800

field/support staff positions (BPS-07 to BPS-16) for government employees via the National Testing Service (NTS). After completing the written and physical tests, successful candidates, including the Petitioners, received result cards, text messages, and were added to an official WhatsApp group. However, although 406 candidates were nominated for training via List dated 8th April 2025, about 450 equally successful candidates were excluded without explanation and falsely promised a second training phase. According to the Hajj Policy 2025, approximately 880 welfare staff were required, matching the advertised seats. Additionally, a List dated 10th April, 2025 deployed 257 Seasonal Duty Staff (SDS), including 58 officers who did not undergo the NTS process. Thus, Respondents unlawfully replaced competitively selected candidates with 737 others, violating the Hajj Policy 2025 and due process. Being aggrieved by the actions of the Respondents, the Petitioners have filed the titled Writ Petitions.

3. The learned counsel for the Petitioners contended that the Petitioners are permanent employees of various departments of the Federal and Provincial Governments and fully qualified for appointment as Muavineen/Nazims Welfare Staff for Hajj 2025, having successfully passed the competitive examination conducted by the National Testing Service (NTS) in accordance with the criteria laid down in the Hajj Policy, 2025. It was submitted that Part-IV of the Hajj Policy, 2025 mandates the deputation of one Welfare Staff member (Muavineen) for every 100 pilgrims (Hujjaj). Accordingly, 880 candidates were selected through a transparent, merit-based process in line with the said policy and the quota outlined in the Hajj agreement. However, despite the successful conclusion of the selection process, the Ministry of Religious Affairs has issued deployment notifications to only 406 individuals, while arbitrarily excluding the remaining 450 duly selected candidates. This exclusion, it was argued, appears to be intentional and discriminatory, intended to create space for politically motivated, non-merit-based appointments, predominantly from within the Ministry itself. The counsel emphasized that the "pick-and-choose" approach adopted by the Respondents undermines the integrity of the competitive selection process and infringes upon the legitimate expectations and rights of the Petitioners, who were selected on the basis of merit. Such conduct, it was argued, is arbitrary, discriminatory, and violative of Articles 4, 25, and 27 of the Constitution, which guarantee fair treatment, equality before the law, and merit-based access to public service. The

Respondents, it was submitted, are misusing their administrative discretion to manipulate the allocation of remaining slots for extraneous considerations, which is unlawful, contrary to the public interest, and a negation of the rule of law.

4. The learned A.A.G. submitted that although 880 candidates were initially shortlisted through a competitive process, their final selection was subject to further scrutiny by the Ministry's Scrutiny Committee and contingent upon the actual operational requirements in the Kingdom of Saudi Arabia. It was argued that, in view of the reduced Hajj quota, the Ministry decided to allocate the 450 available positions (comprising 400 Field Supporting Staff and 50 Supervisory Posts) exclusively to the category of Muavineen/Nazims. The selection was made from among the top-ranked candidates on the merit list, based strictly on the requirement and available quota. Candidates with comparatively lower merit scores, including the Petitioners, could not be accommodated due to the elevation of the merit threshold resulting from the reduced quota. It was further contended that the Ministry was constrained to curtail the number of Welfare Staff in compliance with the applicable laws and regulations of the Kingdom of Saudi Arabia. The learned A.A.G. emphasized that the number and selection of Welfare Staff are governed by Section 3 of the Hajj and Umrah (Regulation) Act, 2024 and Clause 15(IX) of the Hajj Policy, 2025, both of which were duly approved by the Federal Cabinet. The entire selection process, it was submitted, remained transparent and merit-based, and every individual deployed under the category of Muavineen/Nazims had undergone screening through the National Testing Service (NTS), with no appointment made outside this mandatory process. The learned law officer also highlighted the crucial role of the Ministry's Seasonal Duty Staff (Ministerial Staff), who constitute an essential component of the Hajj operations and are entrusted each year with the overall arrangements and execution of the Hajj mission. It was pointed out that one of the Petitioners, Mr. Israr Hussain, has already lodged a complaint before the Wafaqi Mohtasib Secretariat, which is presently under adjudication. Lastly, the learned A.A.G. submitted that the selection process for all categories of Welfare Staff has been concluded and the selected individuals have been deployed to their respective assignments in the Kingdom of Saudi Arabia. In view of the foregoing, the learned A.A.G. prayed for the dismissal of the instant Petitions.

5. I have heard the learned counsel for the parties and perused the available record with their able assistance.

6. From the material available on record and the submissions made by the learned counsel for the parties it is evident that although 880 candidates were initially shortlisted through a competitive process conducted by the National Testing Service (NTS), the final selection was subject to further scrutiny by the Ministry's designated Scrutiny Committee and contingent upon the operational requirements in the Kingdom of Saudi Arabia. The record further demonstrates that, due to a reduction in Pakistan's Hajj quota, the Ministry of Religious Affairs was constrained to curtail the number of Welfare Staff and accordingly allocated only 450 positions, 400 for Field Supporting Staff and 50 for Supervisory Posts, within the category of Muavineen/Nazims.

7. It has not been denied that all candidates who were ultimately selected and deployed had obtained high merit positions in the competitive process. The Petitioners, on the other hand, failed to qualify for deployment due to relatively lower merit scores. The elevation of the merit threshold owing to the reduced quota was a rational and inevitable consequence of limited vacancies. No material has been placed on record to suggest that any individual was appointed outside the announced merit criteria or without undergoing the mandatory NTS screening process.

8. The Petitioners' grievance, that they were deliberately excluded in a discriminatory manner, is not substantiated by any concrete evidence. On the contrary, the process of final selection appears to have been carried out within the framework of Section 3 of the Hajj and Umrah (Regulation) Act, 2024 and Clause 15(IX) of the Hajj Policy, 2025, both of which were duly approved by the Federal Cabinet. The Ministry's discretion to limit the number of Welfare Staff in line with the host country's laws and administrative considerations cannot be interfered with lightly in the absence of *mala fides* or breach of statutory duty, neither of which has been demonstrated in the present case.

9. The Court also takes note of the submission that one of the Petitioners, Mr. Israr Hussain, has already approached the Wafaqi Mohtasib in respect of the same grievance, where his complaint remains pending. This fact further militates against

parallel adjudication of the same issue through constitutional jurisdiction under Article 199 of the Constitution.

10. In view of the above, it is concluded that no case for interference in the Ministry's selection process has been made out. The Petitioners have not been able to establish any illegality, arb itrariness, or violation of their fundamental rights in the final selection and deployment of Muavineen/Nazims for Hajj 2025. Consequently, these Petitions, being devoid of merit, are **dismissed**.

(MUHAMMAD AZAM KHAN)
JUDGE

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