ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

(JUDICIAL DEPARTMENT)

WP No. 2603/2025

Saniya Khan
Versus
Federation of Pakistan

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
1	02.07.2025	Mr. Muhammad Amir Niaz Bhadera, Advocate for the petitioner.

Through the instant writ petition, the petitioner has assailed the memorandums dated 29.04.2025 and 27.06.2025, passed by the respondent/Federal Public Service Commission, whereby her candidature for CSS Competitive Examination-2024 **("CSS-2024")** and the representation were rejected, respectively.

2. The facts, in brief, are that the petitioner applied online for the CSS 2024 (MCQ Based Preliminary Test) on 04.09.2023, for which the respondent issued an online Admission Certificate for MCQ Entry Test to be held on 19.11.2023, which she passed. Subsequently, on 24.12.2023, the respondent published a Public Notice outlining eligibility criteria and application procedure for the CSS 2024 written examination, with a deadline of 08.01.2024. The petitioner duly submitted her online application on 01.01.2024 before the deadline and was issued another Admission Certificate for the written test commencing on 29.02.2024, which she also passed. In compliance with clause 6(c) of the Public Notice, the petitioner prepared and submitted a signed hard copy of her application and supporting documents, including a TOKEN of E-Khidmat Centre, Rawalpindi dated 04.01.2024 showing delivery of self-domicile as of

UNCERTIFIED

20.01.2024, which was issued on 17.01.2024. The petitioner deposited self-domicile with the respondent on 05.01.2024 through a consignment well before the cut-off date i.e. 08.01.2024. The respondent through the impugned memorandum dated 29.04.2025 rejected candidature of the appellant on the ground of non-submission of the self-domicile certificate under Rule 11(4) of the CSS Competitive Examination Rules, 2019 **("The Rules, 2019")**. Against which the petitioner immediately filed a representation on the same day under Rule 17(1) of the Rules, 2019. The respondent after giving the personal hearing to the petitioner on 23.06.2025 rejected the representation through the impugned memorandum dated 27.06.2025, hence, this petition.

3. The learned counsel for the petitioner contended that the petitioner qualifies as a valid candidate under Rule 2(d) of the Rules, 2019, which defines a "candidate" as a person, who opts by an application in soft or written form to appear in the competitive examination and she duly applied online on 01.01.2024 well before the cut-off date of 08.01.2024 as prescribed in the Public Notice; that the petitioner fully complied with the eligibility criteria under Rule 2(d) of the Rules, 2019 and clause 5(d) of the Public Notice, where the cut-off date for age, qualification, and domicile was 31.12.2023, and the petitioner's particulars—age (30.03.2000) qualification (B.S. Honors International Relations), and domicile (Rawalpindi, Punjab) remain unchanged and undisputed; that Rule 10 of the Rules, 2019 mandates domicile certificate for seat allocation, which the petitioner has duly provided and no violation or omission occurred; that under Rule 11 of the Rules, 2019, the petitioner's application was complete and accepted, enabling

UNCERTIFIED

the petitioner to undergo the arduous CSS written examination, she successfully passed; that rejection of the candidature on the ground of non-availability of domicile is unfounded and tantamounts to unlawfully withholding the result, contrary to Sub-Rule (6) of Rule 16 of the Rules, 2019, which prohibits declaration of results only if candidature is rejected on valid grounds and that act of the respondent is unlawful, arbitrary and in violation of the petitioner's fundamental rights guaranteed under Articles 3, 4, 8, 18, 27, 33, and 34 of the Constitution.

4. I have heard the learned counsel for the petitioner and perused the record.

5. Perusal of the record reveals that the petitioner applied online for CSS-2024 (MCQ Based Test), which she passed. Thereafter she also passed the written test. However, her candidature was rejected by the respondent through the impugned memorandum dated 29.04.2025, against which she filed a representation, which was rejected vide impugned memorandum dated 27.06.2025.

6. It is pertinent to examine the legal framework concerning the case of the petitioner i.e. the Federal Public Service Commission Ordinance, 1977 **("Ordinance, 1977"),** particularly section 7 of the Ordinance, which is reproduced below:-

> ***"7. Functions of the Commission.—***
>
> *[(3)(a) A Candidate aggrieved by any decision of the Federal Public Service Commission may, within thirty days of such decision, make a representation to the Commission and the Commission shall decide the representation within fifteen days after giving the candidate a reasonable opportunity of hearing. The*

UNCERTIFIED

decision of the Commission, subject to the result of review petition, shall be final.

(b) A candidate aggrieved by the decision of the Commission made under paragraph (a) may, within fifteen days of the decision, submit a review petition to the Commission and the Commission shall decide the review petition within thirty days under intimation to the petitioner.

(c) Save as provided in this Ordinance, no order made or proceeding taken under this Ordinance, or rules made thereunder, by the Commission shall be called in question in any court and no injunction shall be granted by any court in respect of any decision made or taken in pursuance of any power conferred by, or under, this Ordinance.

(d) Any candidate aggrieved by a decision of the Commission under paragraph (b) may, within thirty days of the decision, prefer an appeal to the High Court.]

7. From the above referred section, it is thus abundantly clear that a remedy of review after the decision of representation and thereafter remedy of an appeal before the High Court against an order of the review is provided to an aggrieved person. In the present case, the petitioner after dismissal of her representation did not assail the same before the Commission by way of filing of review petition rather invoked constitutional jurisdiction of this Court. It is settled law that where a statute itself provides a remedy of review or an appeal, the constitutional jurisdiction of the High Court cannot be invoked.

8. In the presence of an alternate remedy, the High Court must be cautious in exercising constitutional jurisdiction. Reliance is placed on ***Ch. Muhammad Ismail vs. Fazal Zada, Civil Judge, Lahore and 20 others (PLD 1996 SC 246),*** wherein it was held as follows:-

UNCERTIFIED

> *"It is also noteworthy that the jurisdiction conferred on the High Court under Articles 199 and 203 of the Constitution is of extraordinary nature and is, therefore, to be exercised sparingly. The High Court has to be specially cautious in exercising its Constitutional jurisdiction when other adequate remedy is available to the party invoking that jurisdiction"*

9. Similarly, in the case of ***Indus Trading and Contracting company vs. Collector of Customs (Preventive) Karachi and others (2016 SCMR 842),*** the Hon'ble Supreme Court held that:-

> *"where a special law provides legal remedy for the resolution of a dispute, the intention of the legislature in creating such remedy is that the disputes falling within the ambit of such forum be taken only before it for resolution. Such bypass of the proper forum is contrary to the intention of the provisions of Article 199(1) of the Constitution which confers jurisdiction on the High Court only and only when there is no adequate remedy is available under any law. Where adequate forum is fully functional, the High Court must deprecate such tendency at the very initial stage and relegate the parties to seek remedy before the special forum created under the special law to which the controversy relates."*

10. In view of the above discussion, in presence of the alternate remedy available to the petitioner, the instant writ petition is not maintainable. Consequently, the same stands **dismissed.**

(INAAM AMEEN MINHAS)
JUDGE

Rana.M.Ijt

UNCERTIFIED