JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No.2837/2025

Imtiaz Hussain

Versus

Federation of Pakistan, etc

Petitioner by: M/S Malik Akhtar Abbas & Shahrukh Shaikh Advocate
Respondent No.1 by: Mr. Sarfraz Rauaf, learned AAG.
Respondent No.2 by: Ms.Faiza Sultan Advocate
Date of Decision: 27.11.2025

KHADIM HUSSAIN SOOMRO, J: Through this writ petition, the petitioner prays as under:-

> " Declare and hold that the impugned decision/actions of the respondent No.2 are illegal and unlawful;
>
> (ii) Declare and hold that the petitioner after securing highest marks is entitled for the appointment against the vacancy he applied for i.e Assistant (NSG-2) in the Respondent No.2 Authority;
>
> (iii) Complete record may be called from the respondent No.2 Authority with regards to the recruitment process in the vacancy the petitioner applied for i.e Assistant (NSG-2) in the respondent No.2 Authority;
>
> (iv) Direct the respondent No.2 to declare the official result against the vacancy the petitioner applied for i.e Assistant (NSG-2) in the respondent No.2 Authority.
>
> Any other relief which this Court deems fit and proper in the circumstances of the case may also be granted."

2. At the very outset, learned counsel for the petitioner contends that, with the intent to deprive the petitioner of his rightful candidature, the individual who was otherwise entitled to be appointed on merit was accommodated against a seat in Khyber Pakhtunkhwa. He further submits that, in order to disturb the prescribed quota, the result was manipulated. According to him, it is implausible that a candidate who secured the highest marks in the written examination could thereafter fail to qualify for the interview.

Uncertified copy

3. Conversely, learned counsel for the respondents submits that the petitioner appeared in the written examination and secured 86 marks, after which he qualified for the second and third phases of the assessment process. In the second phase, which consisted of a telephonic screening, the petitioner obtained 70 marks. However, in the subsequent assessment relating to personality, job knowledge, and skills, he failed to meet the required qualifying standard. Consequently, he did not qualify, which is why he was not selected.

4. I have heard the arguments of learned counsel for the parties and have perused the material available on record with their able assistance.

5. The petitioner applied for the post of Assistant (NSG 2) and initially appeared in the written examination, in which he secured 86 marks. Upon qualifying the written component, he was advanced to the subsequent phase of the recruitment process. However, in the assessment relating to personality, job knowledge, and requisite skill set, the petitioner failed to attain the prescribed qualifying standard and, as a consequence, could not be considered further for appointment.

6. There is no denial of the fact that the petitioner possessed the requisite academic qualification and obtained marks in the written component of the examination. However, it must be appreciated that the written test was not the sole criterion for final selection; rather, it served merely as a basis for shortlisting candidates for the subsequent evaluative stages. The committee constituted to assess Personality, Job Knowledge, and Skills unanimously declared the petitioner as unsuccessful and awarded him no marks in that phase. The contention of learned counsel for the petitioner that a candidate who performed well in the written test could not possibly fail to secure even a single mark in the later assessment does not appeal to reason. The interview and related evaluative components are inherently subjective in nature, and it is neither possible nor permissible for this Court to substitute its own assessment for that of the duly constituted selection committee, whose members are vested with the prerogative to evaluate such attributes.

7. The apex Court in the case titled "Muhammad Ashraf Sangri v. Federation of Pakistan and others" (2014 SCMR 157) has observed:

> "Essentially an interview is a subjective test and it is not possible for a Court of law to substitute its own opinion for that of the Interview Board in order to give the petitioner relief. What transpired at the interview and what persuaded one member of the Board to award him only 50 marks is

Uncertified copy

> something which a Court of law is certainly not equipped to probe and to that extent we cannot substitute our own opinion with that of the Interview Board. Obviously if any mala fides or bias or for that matter error of judgment were floating on the surface of the record we would have certainly intervened as Courts of law are more familiar with such improprieties rather than dilating into question of fitness of any candidate for a particular post which as observed above is subjective matter and can best be assessed by the functionaries who are entrusted with this responsibility"

8. It has been held in a case titled Dr. Mir Alam Jan v. Dr. Muhammad Shahzad and others (2008 SCMR 960) that:

> "The High Court in constitutional jurisdiction is not expected to perform the functions of a Selection Committee so as to substituting its opinion with that of the competent authority. This Court in a judgment dated 24.01.2019 passed in Writ Petition No.4847/2016, while deriving guidance from cases as reported 2015 SCMR 112, 2014 SCMR 157, 2008 SCMR 960 and 2000 SCMR 966 has observed that:-
>
> "Even otherwise, this Court could not substitute opinion of the interview committee on the basis of allegations levelled against the interview process by the unsuccessful candidates, who lost their chance in the interview."

9. In view of the above discussion, no illegality, procedural irregularity, or jurisdictional defect has been demonstrated that would warrant interference by this Court in the exercise of its constitutional jurisdiction. The assessment conducted by the duly constituted committee falls within the domain of the competent authority, and this Court cannot sit as an appellate forum over the subjective evaluation of personality, job knowledge, and skills undertaken during the recruitment process. The petitioner has failed to establish any violation of law or denial of a vested right. Consequently, the petition stands dismissed.

(KHADIM HUSSAIN SOOMRO)
JUDGE

S.Akhtar