

IN THE HIGH COURT OF SINDH AT KARACHI

C.P No. D-4492 of 2012

Present: -
Mr. Justice Irfan Saadat Khan
Mr. Justice Adnan-ul-Karim Memon

Petitioner : Through Ali Asadullah Bullo,
Advocate

Respondent No.1 Through Sheryar Mehar

Respondent No.2 & 3 : Through Mr. Haq Nawaz Talpur

Date of hearing 24.09.2018

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JUDGMENT

ADNAN-UL-KARIM MEMON, J: - Through the captioned Constitution petition, Petitioner is seeking appointment as Assistant Engineer (Civil) in Sindh Technical Education and Vocational Training Authority (STEVTA).

2. The relevant facts of the case as spelt-out from the pleadings of the parties are that the Petitioner was selected for appointment as Assistant Engineer (Civil) in Sindh Technical Educating and Vocational Training Authority but the offer letter had not been issued to him after passage of considerable time.

3. Mr. Ali Asadullah Bullo, learned counsel for the Petitioner has argued that the Respondent- Authority failed and neglected to issue appointment order to the Petitioner for the post of Assistant Engineer without a lawful justification; that Petitioner succeeded in test and interview for the aforesaid post but the

Respondent Authority appointed another person in place of the Petitioner, which act of the Respondents is illegal, unlawful and unconstitutional.

4. Upon query as to how the instant petition is maintainable on the premise that there were four posts of Assistant Engineer (Civil) and the Petitioner stood at serial No.5 and the only candidate appointed against the post obtained 118 marks then the Petitioner who obtained 117 marks. The learned counsel for the Petitioner has stated that the Competent Authority approved the appointment of the Petitioner vide Note for Chairman / Minister, STEVTA and argued that once approval was accorded by the Competent Authority, the Respondents cannot withhold the appointment of the Petitioner for the reason that the Petitioner succeeded in qualifying the requisite exam/interview for the post of Assistant Engineer (Civil).

5. Mr. Haq Nawaz Talpur, learned counsel for STEVTA has contended that the STEVTA Board invited applications in the month of March 2010 for the post of Deputy Director, Assistant Director, Assistant Engineer, Sub-Engineer (Civil) and Sub-Engineer (Auto CAD) in the Works and Services Department of STEVTA on purely contract and contingency basis; that the selection committee conducted interviews of the short listed candidates and recommended the appointment, however only one candidate namely Mehboob Ali was recommended for the post of Assistant Engineer (civil) on contract basis. Per learned counsel the Respondent Authority did not regularize the service

of Mr. Mehboob Ali as such no vested right created in favour of the Petitioner for the aforesaid post. We asked the learned counsel as to how one candidate namely Arshad Iqbal was appointed against the post of sub-engineer in STEVTA. He in reply to the query referred the order dated 22.09.2014 passed by this Court in C.P. No. D-451 of 2013 and argued that the respondent STEVTA was directed by this Court to process of verification of the documents and experience certificate furnished by the Petitioner within a period of three months, which order was complied with in letter and spirit, however he made a categorical statement that none of the candidates have been regularized in STEVTA. In exercising the right of rebuttal Mr. Ali Asadullah Bullo, learned counsel for the Petitioner has controverted the stance taken by the learned counsel for STEVTA and argued that the competent authority has regularized the services of the persons, who were appointed in the process initiated in the month of March 2010, therefore the Petitioner is also entitled to the similar treatment.

6. We have heard the learned counsel for the parties at some length and have perused the material available on record.

7. As per the record the post of Assistant Engineer was advertised and selection committee interviewed the candidates, who appeared in the NTS pre-employment test and short listed the candidates. The outcome of the same was submitted to the Chief Minister Sindh for final approval before the issuance of

offer letter for appointment on contract basis. As per the record no offer letter was ever issued to the Petitioner as per claim of the Petitioner that he was recommended by the competent authority. Be that as it may, we are of the considered view that mere selection in the test / interview does not confer the right upon the Petitioner to be issued offer letter for the appointment against the post of Assistant Engineer. Prima facie record reflects that one candidate namely Mehboob Ali obtained 118 marks was recommended for the aforesaid post and the Petitioner was not selected. Reverting to the plea taken by the learned counsel for the Petitioner that discriminatory treatment has been meted out to the Petitioner, we under the circumstances of the case do not agree with the contention of the learned counsel for the Petitioner as well as do not see any discriminatory treatment meted out to the Petitioner for the simple reason that no any candidate, who obtained lesser marks had been selected for the post of Assistant Engineer (Civil).

8. In the light of above facts and circumstances of the case the instant petition is devoid of merit the same therefore is dismissed along with the listed application(s).

JUDGE

JUDGE

Karachi
Dated: - .24. 09.2018

Shafi Muhammad P.A