

petitioner as 76 were wrongly calculated as the adverse remarks on his ACR were subsequently withdrawn in the year 2010. In view of such adverse remarks in his ACR 02 marks were deducted. It is argued that had it not been deducted he would have earned 78 marks and could have been recommended for the post of Meritorious Professor.

Mr. Jhamat and Mr. Kamaluddin learned counsel appearing for the respondents No.3 and 4 submit that this is the case now argued by the petitioner is beyond pleadings as he has prayed only for his promotion to a meritorious post now having BPS-22. They argued that the adverse remarks were given in the year 2005 and the adverse remarks were expunged in the year 2010. However, these remarks and its expungement would not have made any difference as the Scrutiny Committee assigned marks before 16.6.2004, when the matter was forwarded to Special Selection Board by the Scrutiny Committee and he was not on merit. The last Professor Dr. Muhammad Yar Khuhawar secured 78 marks whereas the petitioner i.e. Professor Dr. Syed Mehtab Ali Shah, secured 76 marks therefore, there was no question of considering his case by the Selection Committee to be recommended by the Syndicate.

We have heard the learned counsel and perused the material available on record.

At the very outset we may observe that this petition is filed on 29.12.2012 agitating the issues pertaining to the year 2004 and 2006 as he has shown his grievance towards the marks given by the Scrutiny Committee in the year 2004. This petition has been belatedly filed after about 08 years and on account of laches this would not lie in the mouth of the petitioner to agitate such question at this belated stage. Be that as it may, we are inclined to consider even the questions raised by the petitioner. The perusal of annexure "R/1" attached to written reply shows that somewhere in the early month of 2004, 08 seats fallen vacant and the invitations were sent to the Professors for submitting their respective applications. Those applications were considered by the Scrutiny

Committee and list of 08 applicants was forwarded to Special Selection Board for their consideration in their meeting to be held on 16.06.2004. The petitioner was far behind in merit list as he secured only 76 marks. His grievances that he was not given appropriate marks cannot be scrutinized by this Court while exercising jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan and that too after 08 years. Secondly; the next grievance which relates to assigning marks by the Scrutiny Committee is concerned the Scrutiny Committee assigned different marks to individual on different heads. The petitioner was given 17 marks on ACR (Annual Confidential Report). The petitioner has attempted to argue that he secured 02 marks less on account of adverse remarks which were subsequently withdrawn. At the time when these 17 marks were assigned the question of considering adverse remarks were never in consideration as these remarks were assigned subsequent to assigning marks to different individuals and the adverse remarks were withdrawn in the year 1010. This would not have played any role in assigning marks to the Professors, therefore, the aggregate marks would not have made any difference. Since he stood far beyond on merit to those who stood qualified therefore, even on merit the petitioner has no case.

These are the reasons for the short order that was announced in Court today.

Judge

Judge

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