

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.

C.P. No.D — 1608 of 2016.

Present.
Mr. Justice Muhammad Shafi Siddiqui.
Mr. Justice Irshad Ali Shah.

Date of hearing: 22.10.2020.

Date of short order: 22.10.2020.

Date of reasons: 28.10.2020.

Petitioner: Through Mr. Karim Bux Rind Advocate.

Respondents: Through Mr. Kamaluddin Advocate.

Mr. Allah Bachayo Soomro, Additional
Advocate General Sindh.

J U D G M E N T

MUHAMMAD SHAFI SIDDIQUI, J.- Petitioner has filed this petition for his appointment as Lab Engineer BPS-17 in pursuance of an advertisement issued by Quaid-e-Awam University of Engineering, Science & Technology Nawabshah and to restrain the University from appointing respondent No.7 or anybody else as Lab Engineer of the said University.

2. Brief facts are that the vacancies were announced by the University in pursuance of the advertisement on 31.12.2014. Petitioner fell in category-V of the said advertisement i.e. Lab Engineer BPS-17. There is no dispute as to the eligibility of the petitioner and all those who were appointed. The only concern of the petitioner was that he qualified the written test along with others but he was discriminated while being interviewed.

3. On issuance of notices respondents No.2 to 6 filed parawise comments. Admittedly there were only 03 seats available for Lab Engineer in BPS-17 and out of those who cleared written test with above 60% marks were qualified for

the interview. In para-4 the list of 07 candidates is disclosed who have obtained the aggregate percentage of marks of written test and interview and the petitioner is at serial No.5. Hence did not qualify to be appointed as there were only 03 vacancies.

4. We have heard the learned counsel and perused the material available on record. Petitioner does not dispute about the marks of the written test as he was at serial No.16 of the written test which list is available at page 29 annexure 'D'. The petitioner cannot succeed on the basis of written test alone as he has to qualify the interview as well. We are conscious about the fact, since we have been entertaining litigations about the conduct of the Interviewers and the Marks assigned by them as invariably students, who have obtained outstanding marks in the written test failed in the interview and often complained about non-transparent process of interview. However, the facts of the present case are different and distinct. The process of interview is quite transparent here. There were 07 Members of the Panel interviewing the candidates. The Chairman withdrew himself from awarding any marks in the interview to the petitioner on the count that there was some litigation going on between them. Hence the average marks of rests of the Members of the interviewing panel / selection board was given to the petitioner which is seems to be justified. Each and every Member of the Selection Board who interviewed the candidates assigned different Heads. Each one gave marks to the individual out of hundred and then the percentage of the marks was evolved. Petitioner obtained 293 marks in interview which is the lowest amongst all those candidates who qualified for the interview as disclosed in annexure 'I' of the parawise comments. Petitioner's reliance on a tabulations report is misconceived as it is a perjured document which is annexed with the rejoinder affidavit and it is not a true copy and does not match with the result sheets of the selection board / interviewing panel.

5. Each interviewer had to give marks to the individuals out of 100 in the interview which include different Heads such as the (i) Delivery (ii) English (iii)

appearance manners and speaking (iv) General knowledge (v) Professional knowledge (vi) Maturity/ depth. The average of these marks then taken into consideration and the top 03 candidates i.e. Haris Jawad, Zulqarnain and Amin Abdul were recommended.

6. Mr. Kamaluddin Advocate has separately filed the individual sheets of the interviewers who signed their individual sheets wherein they have assigned the marks and which is in consonance with the Mark Sheets attached with the parawise comments of respondents No.2 to 6 and not with the sheet attached with the rejoinder affidavit.

7. We do not see any impediment or error insofar as the appointment of respondent No.7 is concerned and that the petitioner did not qualify the interview which apparently is a very transparent process adopted by the University and is not dependent on the wish and whims of an individual rather Selection Board responsible for the appointment of the Lab Engineers and other Faculty Members. Even otherwise, there are factual controversies which cannot be resolved in these proceedings.

These are the reasons of the short order announced earlier on 22.10.2020 whereby instant petition was dismissed.

JUDGE

JUDGE

A.