

ORDER SHEET  
**THE HIGH COURT OF SINDH AT KARACHI**  
C. P. NO. D-4311 of 2022

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DATE

ORDER WITH SIGNATURE OF JUDGE(S)

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For hearing of main case.

**28.09.2022**

Petitioner Rukhsar Kamran in person.  
Mr. Ali Safdar Depar, AAG.

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Through this Petition, the Petitioner has prayed for the following reliefs:-

- a. To direct the respondent No. 2 to 4 to issue the letter of appointment/training for the petitioner on merits according to her cleared all the tests.
- b. To direct the respondent No.2 to 4 to present both the written tests papers before this Honourable Court.
- c. To restrained the respondents No. 2 to 4 to not issue any letter of appointment/training to any candidates till final disposal of this petition.
- d. Any other relief, which this Honourable Court may deems proper and fit.

Petitioner in person submits that despite best and excellent performance in the interview, the Respondents have failed her, as according to her she had performed well in the said interview including writing an essay. She further submits that she has been discriminated as against others; hence, she is entitled to be appointed due to her qualification; for which appropriate orders be passed. On the other hand learned AAG has opposed this petition on the ground that she has failed in the interview, whereas, the allegations are baseless and cannot be looked into in this Constitutional jurisdiction.

We have heard the petitioner in person and perused the record. Insofar as the case of the Petitioner as to the result of the interview being illegal and subject to challenge in these proceeding is concerned, we have not been able to persuade ourselves as to how the relief being sought can be granted in respect of Viva-voce/Interview Examination of the Petitioner, in which, according to her, she ought to have been declared successful due to her excellent performance, whereas, the Respondents have failed her. Apparently the verbal response of the Petitioner in a Viva-voce Examination and Interview cannot be looked into by us in our

Constitutional jurisdiction, as it is entirely dependent on the factual determination and the contention of the parties. Even otherwise, what answer is given by a candidate in an Interview/Viva-voce Examination, the same is a matter of verbal response and no record is apparently required to be maintained by the concerned appointing authority. In these circumstances, we are of the considered view that this Petition is not maintainable. There isn't any yard stick or mechanism to examine that as to what had happened during the interview. Reliance in this regard may be placed on the case reported as *Muhammad Ashraf Sangri v. Federation of Pakistan* (2014 SCMR 157), wherein the Hon'ble Supreme Court has been pleased to observe as under:

*“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 in 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, in the present case, the Public Service Commission. For this proposition the case of *Federation of Pakistan through Secretary Establishment Division v. Ghulam Shabbir Jiskani* (2012 SCMR 1198) can be referred to.”*

Further reliance can also be placed on the case of ***Arshad Ali Tabassum v The Registrar Lahore High Court [2015 SCMR 112]***; ***Miss Gulnaz Baloch v The Registrar Baluchistan High Court [2015 PLC (CS) 393]*** and ***Altaf Hussain v Federal Public Service Commission [2022 PLC (CS) 92]***.

In view of the above discussion, this petition being misconceived is hereby dismissed with pending applications.

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