

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN,
GILGIT.**

Before:-

**Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.
Mr. Justice Javed Iqbal, Judge.
Mr. Justice Shahbaz Khan, Judge.**

**C. Appeal No. 55/2016
In
CPLA. No. 37/2016.**

1. Provincial Government through Chief Secretary Gilgit-Baltistan.
2. Secretary Education Gilgit-Baltistan.
3. Director Education Gilgit.
4. Deputy Director Education District Gilgit. **Petitioners.**

Versus

1. Syeda Kishwar Batool D/O Syed Mehdi Shah R/o Oshikandass Tehsil & District Gilgit. **Respondent.**

PRESENT:-

1. The Advocate General Gilgit-Baltistan on behalf of the petitioners.
2. Mr. Muhammad Issa senior Advocate on behalf of the respondent.

DATE OF HEARING: - 14.06.2016.

DATE OF DETAIL JUDGMENT:- 11.08.2016.

JUDGMENT.

Dr. Rana Muhammad Shamim, CJ..... This petition for leave to appeal was directed against the impugned Judgment/order dated 18.03.2015 in Writ Petition. No. 97/2012 passed by the learned Gilgit-Baltistan Chief Court, whereby the said Writ Petition was dismissed being meritless. The petitioners being aggrieved by and dissatisfied with filed this petition for leave to appeal. This court vide order dated 08.03.2016 issued notice to the

respondent and the case was fixed for final arguments on 14.06.2016.

2. The learned Advocate General contends that in the year 2011 one post of teacher EST BPS-14 was advertised. The candidate placed at serial No. 01 was appointed against the said post. He further contends that although one post of teacher EST BPS-14 was available in District Gilgit and the said post was not advertised. He also contends that consequently four (04) members of the DRC recommended the respondent alongwith one Shabina Karim d/o Abdul Karim r/o Jalalabad Gilgit for appointment against the vacant post for village Oshikandass but the Chairman of the Board has not approved the minutes of the said DRC. No letter of appointment has been issued. He further submits that legal actions have been taken against the members of the DRC which are pending adjudication. He finally contends that the impugned judgment/order dated 08.03.2015 passed by the learned Gilgit-Baltistan Chief Court is the result of misconception of law and misreading/non-reading of the facts of the case, therefore, the same is required to be set aside.

3. On the other hand the learned counsel for the respondent submits that applications were sought from eligible candidates for appointment as EST teachers BPS-14 in the year 2011 through advertisement. He further submits that the respondent got fifth position in the same test/interview. He submits that one Mrs. Kaneez of Jalalabad was appointed against one of the

aforementioned posts of BPS-14 on 28.06.2012, during the course of which the respondent came to know that a post of EST teacher BPS-14 is lying vacant in Girls High School Oshikandass Gilgit whereupon the respondent approached petitioner No.04 for her appointment on the said vacant post of the above mentioned Union who recommended the case of respondent to the petitioner No. 03 for appointment vide office order/letter No. DDE- 6 -292/2010 (Admin) dated 02.05.2012. He further submits that the petitioner No. 03 further recommended the same vide office order No. D.E.-2(2)/2010 dated 04.05.2012 to petitioner No. 02 for appointment of the respondent. He further submits that the petitioner No. 02 after getting the recommendations of petitioner No. 04 & 05 referred the matter for DRC to examine and issuing order of appointment. He also submits that consequently four (04) members of the DRC recommended the respondent alongwith one Shabina Karim d/o Abdul Karim r/o Jalalabad Gilgit for appointment against the vacant post for village Oshikandass. He further submits that the learned Gilgit-Baltistan Chief Court has rightly allowed the Writ Petition No. 97/2012 of the respondent vide judgment dated 08.03.2015 which is in accordance with law and facts of the case, hence, no interference is warranted into it and the same is required to be maintained to meet the ends of justice.

4. We have heard the learned counsels for the respective parties at length, perused the record of the case file and gone through the impugned judgment dated 08.03.2015 passed by the

learned Gilgit-Baltistan Chief Court. The learned Advocate General for the petitioners could not point out any illegality and infirmity in the impugned judgment. Consequently, we converted this petition into an appeal and the same was dismissed vide our short order dated 14.06.2016. Consequent thereto the impugned judgment dated 08.03.2015 in Writ Petition No. 97/2012 passed by the learned Gilgit-Baltistan Chief Court was maintained. We have directed the petitioners/Provincial Government of Gilgit-Baltistan to appoint the respondent in the light of the recommendation of District Recruitment Committee (DRC) dated 09.05.2012. These were the reasons for our short order dated 14.06.2016.

5. The appeal is dismissed in above terms.

Chief Judge.

Judge.

Judge.

Whether the case is fit to be reported or not?