

Judgment Sheet

IN THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

JUDICIAL DEPARTMENT

...Review Petition...No...19-A....of...2016...

JUDGMENT

Date of hearing..... 24.01.2017.....

*Petitioner (s)...(Dr. Farhat Naz) by Mr. Mushtaq Ali Tahirkheli,
Advocate*

*Respondent(s)...(Chairman Selection/Promotion Board, Ayub
Teaching Hospital, Abbottabad etc) by ...M/S
Fawad Saleh and Tahir Hussain Lughmani
Advocates ...*

QALANDAR ALI KHAN, J: Dr. Farhat Naz, petitioner in WP No.487-A of 2012, is seeking review of the judgment of this Court dated 13.12.2016, whereby, after resolving the issue of allocation of marks to the parties by the Selection Committee, in accordance with the order/direction of the august Apex Court dated 12.08.2016, the matter of appointment of Senior Registrar

(Medicine) was referred to the selecting authority for selection in accordance with rules and in the light of resolution of issue of allocation of marks to the parties by this Court in the judgment.

2. The perusal of review petition of the petitioner would show that, in fact, the petitioner is aggrieved of inaction on the part of the departmental authority to convene the meeting of Selection Committee for appointment of Senior Registrar (Medicine) in accordance with the judgment of this Court dated 13.12.2016, and thereby allowing respondent No.6, Dr. Syed Yasir Hussain Gilani, to continue as Senior Registrar. The petitioner, therefore, prayed for (i) setting aside the appointment of respondent No.6 as Senior Registrar; (ii) fixation of time schedule for the Selection

Committee; and (iii) final decision in the case by this Court in accordance with the clear directions of the Honourable Supreme Court to this Court.

3. The order dated 12.08.2016 of the august Apex Court in Civil Petitions No.2601, 2602, 2603 and 2074 of 2016, was as follows:

“With the consent of all, these petitions are converted into appeals and allowed, the impugned judgment(s) of the learned High Court is set aside and the matter is remanded to the learned High Court to decide the cases itself, **resolving the issue whether the allocation of marks by the selection committee are in consonance with the rules or otherwise.** The Registrar of the learned High Court is directed to fix these cases in the first week of opening of the Court after the summer vacations and we are

sanguine that keeping in view the urgency in the matter, the learned Court shall decide the same within a fortnight.”

After hearing arguments of learned counsel for the parties at greater length stretching over five days, the judgment dated 13.12.2016 was rendered, thereby referring the matter of appointment of Senior Registrar (Medicine) to the selecting authority for selection in accordance with the rules and in the light of **resolution of issue of allocation of marks to the parties by this Court**, of-course, in compliance with the aforesaid order/direction of the august Apex Court ‘to decide the cases itself, **resolving the issue whether the allocation of marks by the Selection Committee are in consonance with the rules or otherwise.**’ It would, thus, be seen from the detailed

judgment of this Court that the issue of allocation of marks by the Selection Committee was resolved at this end, leaving the matter of final selection of Senior Registrar (Medicine) to the Selecting Authority in the light of **2008 SCMR 960, PLD 1956 (WP) Peshawar 121, 2005 PLC (CS) 645**

4. Mr. Fawad Saleh, learned Advocate of Supreme Court of Pakistan, while appearing in response to notice of the Court on behalf of respondents No.1, 2 and 3 and Mr. Tahir Hussain Lughmani, Advocate, representing respondent No.6, informed the Court about filing of CPLA against the judgment of this Court dated 13.12.2016 by respondent No.6; and also the fact that meeting of the Selection Committee has been convened on 06.02.2017, for selection of not only Senior

Registrars but also Assistant Professors, thus, signifying opportunity to the petitioner and other aspirants to secure a better position than she and others are vying for, leaving the petitioner with no grievance or justification to seek review of the judgment of this Court dated 13.12.2016.

5. The review petition is, accordingly, dismissed.

Announced.

Dt.24/01/2017.

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