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COURT OF SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Case Title: Sharafat Ali etc. Vs DEO, Orakzai

Serial No of order or proceeding s	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No. 06	02.09.2025	<p>Plaintiffs along with counsel present. Arguments on maintainability heard.</p> <p>File to come up for order on <u>05.09.2025</u>.</p> <div> (Ijaz Mahsood) Senior Civil Judge, Orakzai (at Baber Mela)</div>
Order No. 07	05.09.2025	<p>Plaintiff along with their counsel present.</p> <p>This order shall determine the question of maintainability of instant suit filed by plaintiffs to challenge, and stop the recruitment process being conducted by the defendants, the District Health Department.</p> <p>The recent amendments to the civil procedure code have made it mandatory for a court to first satisfy itself about the legal sustainability of a suit in terms of jurisdiction, standing, and cause of action, before it is allowed for trial on merits.</p> <p><u>Brief Account:</u></p> <p>Plaintiffs claim that they are domiciled residents of the district. They had applied for the posts of PHC and Surgical technicians advertised by the District Health Department. It is alleged that the criteria set for the shortlisting was 50 marks for non-locals, and 33 marks for</p>

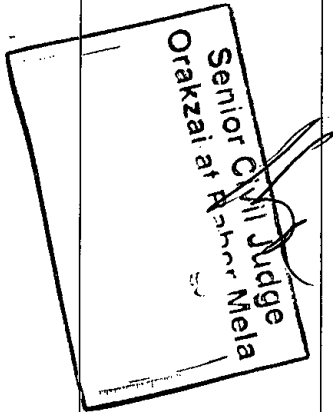
Senior Civil Judge
Orakzai at Baber Mela



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Order No.07 Continued	05.09.2025	<p>locals, with preference to be given to the latter.</p> <p>Plaintiffs report that they acquired 33 and 35 marks respectively. They contend that although they were called for interview, their names were not included in the list of candidates short listed for the interview. They allege malafide, and discrimination against the defendants.</p> <p>The court is interested in ascertaining as to whether the plaintiffs have got the legal standing to challenge the recruitment process in view of the advertisement, and rules, and if any serious irregularity was committed against them.</p> <p>Arguments heard and record perused.</p> <p><u>Reasons:</u></p> <p>The documents annexed with the pleadings are instrumental in getting an accurate perspective of the controversy. The criteria set for the shortlisting of candidates was 50 marks in the written exam conducted by ETEA. However, threshold reduction was permitted in case the number of candidates qualifying under the 50 marks standard was less than posts advertised. Letter of ETEA dated 26th May 2025 to emphasis and clarify the criteria is annexed.</p>

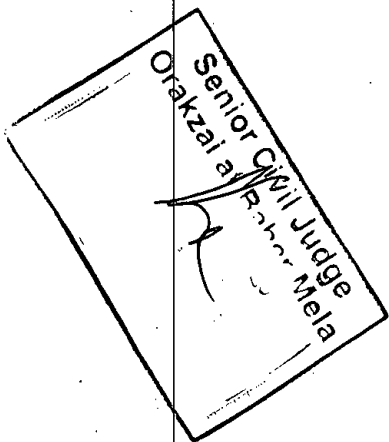


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Order No.07 Continued	05.09.2025	<p>Short listing is a tool employed in recruitment process to filter candidates into a manageable number for the purpose of interview. A standard is set beforehand which is equally applied to all candidates appearing in the exam. The court shall now see whether the tool was employed fairly and transparently.</p> <p>Lists of candidates with their ETEA score are annexed with the pleadings. From tentative assessment, it is apparent that 05 candidates for each category of post were shortlisted for interviews. For instance, for 30 posts of PHC Multipurpose, a total of 151 candidates were shortlisted. The last candidate had secured an ETEA score of 34. Similarly, for 04 posts of CT Surgical, 20 candidates were shortlisted with the last candidate with a lowest score of 36.</p> <p>Clearly, the plaintiffs failed to qualify on both standards: 50 marks in ETEA, or fall within the 150 and 20 top scorers in each category of PHC and Surgical. The appointing authority did not diverge from the standard pre-advertized, nor did it discriminate against the plaintiffs.</p> <p>It is pertinent to mention that in suit no 45/01 with the same title withdrawn by the plaintiffs, the allegation was that defendant appointed non-locals in disregard of rules and policy directives. However, majority of the candidates shortlisted are from Orakzai.</p>
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09/08

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Order No.07 Continued	05.09.2025	<p>Further, learned counsel reported in passing that the appointments have already been concluded despite a restraining order from the deputy commissioner. If correct, the fact has rendered the instant suit and its prayers infructuous.</p> <p><u>Ruling:</u></p> <p>In view of the foregone, the court is of the view that the plaintiffs have no legal standing, nor an actionable cause in the suit. It is not maintainable, hence dismissed. File be consigned to record room after its necessary completion and compilation.</p> <p><u>Announced</u> 05.09.2025</p> <p> (Ijaz Mahsood) Senior Civil Judge, Orakzai (at Baber Mela)</p>
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