

**SUPREME COURT OF AZAD JAMMU AND KASHMIR**

[Appellate Jurisdiction]

**PRESENT:**

Ch. Muhammad Ibrahim Zia, C.J.  
Ghulam Mustafa Mughal, J.

Civil Appeal No. 287 of 2018  
(PLA Filed on 13.8.2018)

1. Azad Jammu & Kashmir Public Service Commission through its Secretary, having his office at New District Complex, Muzaffarabad.
2. Secretary Public Service Commission, having his office at New District Complex, Muzaffarabad.

.... APPELLANTS

**VERSUS**

1. Arshad Mehmood Malik s/o Muhammad Rasheed Mali, r/o Chiti Jati Samahni, Tehsil Samahni District Bhimber, Azad Kashmir.

..... RESPONDENT

2. Sajid Mahmood s/o Ahmed Hussain r/o Samhani Tehsil Samahni District Bhimber, Azad Kashmir.

.... PROFORMA RESPONDENT

(On appeal from the judgment of the High Court dated  
14.6.2018 in Writ Petition No. 1101 of 2016)

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FOR THE APPELLANTS: Sardar Karam Dad Khan,  
Advocate.

FOR THE RESPONDENTS: Ch. Shoukat Aziz, Advocate.

*Date of hearing:* 19.4.2019

**JUDGMENT:**

***Ghulam Mustafa Mughal, J—*** The captioned appeal by leave of the Court arises out of the judgment dated 14.6.2018 passed by the Azad Jammu & Kashmir High Court in writ petition No. 1101 of 2016.

2. The precise facts forming the background of the captioned appeal are that the Public Service Commission published 6 posts of Assistant Professors English B-18, on open merit basis vide advertisement No. 02/2013. Respondent No.1 and the proforma respondent, herein, in response to said advertisement applied, as a result whereof they were called for written test by allotting Roll Nos. 206 and 239 respectively vide letter dated 7.1.2015. They passed written test as per handout/press Release of the Public Service Commission and were called for interview by the Commission vide letter dated 26.3.2016. However, at the time of

interview, respondent No.1, herein, was ignored on the ground of lack of experience while the proforma respondent was ignored on the ground of not having experience certificate of a Government Institute. Feeling dissatisfied, both the respondent No.1 and proforma respondent, herein, filed a writ petition before the Azad Jammu & Kashmir High Court on 9.4.2016. The writ petition was contested by the respondents by filing written statement wherein, it was stated that the petitioners have no locus standi to file the writ petition. It was further stated that the petitioners have failed to point out any violation of law, rules or regulation; hence, the writ petition may be dismissed. The learned High Court after necessary proceedings vide impugned judgment dated 14.6.2018 has accepted the writ petition.

3.           Sardar Karam Dad Khan, the learned Advocate appearing for the appellants has argued that the Public Service Commission has not accepted the experience certificate of

respondents, herein, and the direction given by the High Court tantamounts to interfere in the performance of the statutory duty of the Public Service Commission. The learned Advocate argued that the question as to whether the particular experience certificate is admissible/acceptable is the sole prerogative of the Public Service Commission, which is a constitutional body and the task assigned to the said Institution cannot be shifted to the High Court. The learned Advocate General further argued that the direction given by the learned High Court was not at all justified.

4. On the other hand, Ch. Shoukat Aziz, the learned Advocate appearing for the respondents has argued that the direction given by the learned High Court has been implemented and the respondent has not participated in the test and interview. The question as to whether the particular certificate is acceptable or not, can be judged by the Public

Service Commission and now only the result of the respondents has to be released.

5. We have heard the learned Advocates representing the parties and have gone through the record of the case. In view of the afore-stated position, we are of the view that the direction given by the learned High Court has already been implemented and the question of acceptance or rejection of a particular experience certificate is the job of the Public Service Commission. No further proceedings are required. The Public Service Commission is at liberty to decide the fate of the experience certificate and release the result of the respondents, herein.

The appeal stands disposed of in the manner indicated above.

JUDGE  
Muzaffarabad.  
19.4.2019.

CHIEF JUSTICE