

**IN THE SUPREME COURT OF AZAD JAMMU AND KASHMIR**  
(Original Jurisdiction)

**PRESENT:**

*MR. JUSTICE KHAWAJA M. NASIM ACJ*  
*MR. JUSTICE RAZA ALI KHAN*

**CRIM. ORIG. NO. 36 OF 2025**

(Application for initiation  
of contempt of Court  
proceedings).

Muhammad Sharafat Mir s/o Mir Akber r/o Nakar-kot  
Tehsil Mumtazabad District Haveli AJK.

...Petitioner

**VERSUS**

Dr. Jawad Afzal Kayani District Health Officer Haveli.

...Respondent

**Appearances:**

For the petitioner: Mr. M. Saghir Javed, Advocate.

For Assistance: Sh. Masood Iqbal, Advocate-  
General.

Date of hearing: 08.08.2025

**JUDGMENT:**

. **Raza Ali Khan, J:-** This Court is seized of a  
petition invoking its contempt jurisdiction, wherein the

Petitioner seeks redress for the willful disobedience of this Court's judgment and the deliberate withholding of public records by the Respondent, a public functionary vested with administrative authority. The petition is anchored in an alleged breach of the binding dictum laid down by this Court in the reported case titled *Khurram Shahzad Khan vs. Secretary Agriculture, Animal Husbandry and others*<sup>1</sup>, wherein it was held:

"All concerned public servants are directed to act strictly in accordance with law, and no person shall be deprived of the right to information. Requested documents must be furnished promptly in accordance with the prescribed rules. Any dereliction or misconduct in this regard shall constitute a violation of the law and will be dealt with firmly. A copy of this judgment shall be transmitted to the Chief Secretary for circulation and compliance by all concerned."

2. Although the instant petition initially appeared to be confined to the narrow grievance of non-supply of certified copies of a merit list and corresponding appointment orders, the proceedings have since unfolded into a matter of far greater gravity, revealing allegations of tampering with official recruitment records, abuse of administrative powers, and a calculated attempt to obstruct the due course of law.

3. The Petitioner asserts that pursuant to recruitment proceedings for the appointment of drivers under the administrative control of the District Health Office, tests and interviews were duly conducted, culminating in the preparation of a final merit list. He contends that despite repeated written requests for issuance of certified copies of the said merit list and the

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<sup>1</sup> [2018 SCR 14]

appointment orders of the successful candidates, the Respondent persistently refused to furnish the same. This refusal, according to the Petitioner, was devoid of any lawful justification and motivated instead by mala fide intent to conceal irregularities in the recruitment process. The Respondent, when confronted, orally claimed that the process had been conducted under the supervision of the Director General Health and that the complete record had been forwarded to that office, leaving nothing in his possession. The Petitioner maintains that this explanation was a convenient façade calculated to frustrate his lawful request and evade transparency.

4. Upon institution of the petition, this Court, mindful of the nature of the grievance and the express directions contained in 2018 SCR 14, issued notice to the Respondent to appear in person. The matter was adjourned to a date certain with a specific direction to explain his position and to take immediate steps for issuance of the requisite copies of the appointment orders along with the complete merit list. On the appointed date, the Respondent did appear and tender an explanation accompanied by certain documents. However, far from resolving the matter, the explanation deepened doubts regarding his candour. Finding the same unsatisfactory, the Court directed for filing of a fresh and detailed explanation. In purported compliance, the District Health Officer subsequently produced certain documents, yet the circumstances surrounding their issuance, and the undue delay in supplying them, continued to cast a serious shadow upon the bona fides of his conduct.

5. Whilst the matter so stood, learned counsel for the Petitioner, Mr. Sagheer Javed, moved an additional application alleging that forged documents had been placed

before the Court. Given the seriousness of such an allegation, striking at the very core of judicial proceedings, the Court deemed it imperative to issue notice to the Superintendent of Police, Haveli, as well as to the District Traffic Inspector, Haveli, directing their personal appearance and production of the complete recruitment record, including the letter dated 26-05-2025 which had formed the basis for conducting the driving tests. On the date fixed, both officials appeared with the original record in their custody, and the District Health Officer tendered yet another explanation.

6. Upon careful perusal of the record and after hearing the officers present, the Court encountered an alarming revelation. The merit list produced by the Superintendent of Police, Haveli, recorded only four candidates as having successfully passed the driving test, namely, Mazhar Iqbal, Muhammad Sharafat, Gohar Rasheed, and Muhammad Shafique, out of fifteen who appeared. In stark contrast, the list emanating from the District Health Officer's office contained an additional fifth entry, "Sadheer Khan," inserted under a newly created serial number. The Court's scrutiny made it evident that this was not the product of a clerical update or inadvertent error, but rather a deliberate interpolation: a new row had been inserted in the tabular format to accommodate the added name, and the narrative portion of the document, originally stating that four candidates had passed, had been altered by overwriting the figure "four" with "five."

7. In order to dispel any lingering ambiguity, this Court undertook a comparative analysis of the two lists, scanning them side by side. Both the lists are reproduced hereunder for better appreciation: -

از دفتر دستک ریف ایکڑ ضلع جیلی کھوٹا

بجٹ ۱۵۱/۱۴۱  
تاریخ ۲۵/۰۵/۲۵

بخدمت! دفتر جناب ایس ای صاحب ضلع جیلی کھوٹا

معاون ڈائریکٹر سٹیٹ ڈرائیوران

مخاطبہ عالیہ

معاملہ فدر جن عنوان الادار میں قرار حکم نمبر ۶۰۴۶ قرارہ ۲۵/۰۵/۲۴ تحریر دفتر جناب عالیہ  
کی تعمیل میں بجلی کی ترسیل فرم کے حکم پر سٹیٹ ڈرائیوران کی خالی آسامیوں کے خلاف آجرت  
۲۵/۰۵/۲۶ کو ڈری کالنگ کروندہ کھوٹا میں ڈرائیورنگ سٹیٹ بیٹیا جس میں کل ۱۵ امیدواران شامل  
جن میں سے ۰۵ امیدواران پاس ہوئے ہیں۔ پاس شدہ امیدواران کی تفصیل ذیل ارسال ہے۔

بجٹ نمبر	نام امیدواران	سکونت	قسم ڈرائیورنگ	کیفیت
۱	سبطان احمد ولد علی حسین	دیکڑہ پٹی	H-T.V. incl. Psv	-
۲	محمد شفقت الدین ولد اکبر	دیکڑہ پٹی	"	-
۳	محمد رفیع الدین ولد رفیع	سولہ	"	-
۴	محمد شفیع الدین ولد رفیع	دیکڑہ پٹی	"	-

کسب ڈرائیورنگ کیلئے ترقی جیو کمرہ ملازمین کو گزارا تم فرم ہے تحریر ہے

(محمد شفقت الدین)  
آؤں صلیہ  
کیٹہ

T.S.J. DISTRICT  
HAVELI (KAHUTA) AD



از دفتر ڈسٹرکٹ سٹریٹ انکڑا ضلع حویلی پورہ

تاریخ 26/05/25

بخدمت؟

دفتر جناب ایس ایچ او ضلع حویلی پورہ

عنوان: ڈسٹرکٹ سٹریٹ انکڑا ڈسٹریکٹ

خواجہ بابا

معاملہ فدرجن عنوان اللہ در میں قرار حکم نمبر 6044 قرار 24/05/25 تحریر دفتر جناب

کی نقیصہ میں بولائی تحریر فرقت جس کے حکم پہلے میں ڈسٹریکٹ انکڑا کی خالی آسامیوں کے خلاف آجورج  
26/05 کو ڈسٹریکٹ کا جیم گروٹڈ پورہ میں ڈسٹریکٹ سٹریٹ انکڑا جس میں کل 15 امیدواران شامل  
جن میں سے 05 امیدواران پاس ہوئے ہیں۔ پاس شدہ امیدواران کی نقیصہ پتیل لکھال ہے۔

نمبر شمار	نام امیدواران	سکونت	قسم ڈسٹریکٹ انکڑا	کیفیت
1	مظفر اقبال راجہ لعل دین	ریٹائرڈ باغی	H-TV. incl. PSV	-
2	عمر رفعت ولیرا کبر	نکر کوٹ	"	-
3	گمراہ سولر کبر	سول	"	-
4	عمر رفیق ولیرا کبر	پاتن شمالی	"	-
5	محمد یحیٰ خان ولیرا کبر	بھیدڑ	"	-

ڈسٹریکٹ سٹریٹ انکڑا ضلع حویلی پورہ قرار حکم نمبر 6044 قرار 24/05/25 تحریر اللہ

(محمد رفیق لعل دین)  
ایس ایچ او  
کھٹا

T.S.I DISTRICT  
HAVELI (KAHUTA) AN

District Health Officer  
Haveli (Kahuta)

The attested copy issued by the Superintendent of Police, Haveli, and countersigned under his seal, recited

that out of fifteen candidates who presented themselves for the driving test, only four were successful. Those four were identified by name—Mazhar Iqbal, Muhammad Sharafat, Gohar Rasheed, and Muhammad Shafique. The merit list produced from the DHO's office, however, departed from this in a material respect, for it contained not only these four names but also that of the aforementioned fifth individual.

8. To probe the matter further, the Court recorded the statements of the District Traffic Inspector, Mr. Ishfaq Ahmed, and the Superintendent of Police, Mr. Amir Shahzad Nawabi. The District Traffic Inspector, Mr. Ishfaq Ahmed, deposed unequivocally that he had conducted the driving test on 26-05-2025 pursuant to the written orders of the Senior Superintendent of Police, Haveli, in connection with vacant driver posts at the DHQ Hospital, Haveli Kahutta. He confirmed that fifteen candidates had appeared, only four had passed, and he had prepared the original list accordingly, transmitting it to both the DHO and the SP. His testimony is as under: -

"مظہر بطور D.I.T. اضلع حویلی کہوٹہ تعینات ہے۔ مورخہ 26.05.2025 کو بحکم SSP صاحب ضلع کہوٹہ حویلی DHQ ہسپتال حویلی کہوٹہ کی خالی آسامی کے حوالہ سے ڈرائیوران کا ٹیسٹ لینے کا حکم موصول ہوا۔ بتعمیل حکم مورخہ 26.05.2025 کو ڈرائیوران کا ٹیسٹ لیا گیا جس میں 15 ڈرائیوران شامل ہوئے جن میں چار کس ڈرائیوران دوران ٹیسٹ پاس ہوئے۔ چار کس ڈرائیوران کی اصل فہرست (پاس شدہ) مع 15 کس ڈرائیوران کی فہرست دفتر DHO اور دفتر SP ارسال کی۔ پاس ہونے والے ڈرائیوران، مظہر اقبال ولد لعل دین ساکنہ رینکڑی پائین، محمد شرافت ولد میر اکبر ساکنہ نکر کوٹ، گوہر رشید ولد محمد شبیر ساکنہ سولی، محمد شفیق ولد محمد شبیر خان ساکنہ ہالن شمالی ہیں۔ جو فہرست عدالت میں مظہر کی قلمی و دستخطی دیکھی ہے وہی ہے جس میں چار عدد اشخاص کی فہرست مرتب شدہ ہے بیان اسی قدر ہے۔"

9. The Superintendent of Police, Mr. Amir Shahzad Nawabi, corroborated this testimony, further confirming that the certified copy issued by his office to the Petitioner



on 01-08-2025 contained only four names, with the Petitioner's name at serial number four. His testimony is as under: -

"بیان کیا کہ مورخہ 01.08.2025 کو مظہر سپرنٹنڈنٹ پولیس ویلی تعینات تھا۔ سائل محمد شرافت نے درخواست پیش کی اور موقف اختیار کیا کہ .....سائل کے حق میں میرٹ لسٹ کی مصدقہ نقل تحت ضابطہ جاری فرمائی جائے جس پر مظہر نے نقل میرٹ لسٹ ڈرائیوران بعد تصدیق حوالہ سائل کی جس میں سائل کا نام نمبر شمار 4 پر درج ہے جبکہ کل چار اشخاص پر مبنی فہرست ہے۔"

From this, it emerges beyond reasonable doubt that the original record, prepared by the competent testing authority and retained by the supervisory police officer, was untainted and free from any addition. The only version containing the fifth name originated from, and was attested by, the DHO's office. The DHO's professed ignorance of any tampering is irreconcilable with the fact that the SP issued the original four-name list, while his own office issued the altered five-name list.

10. The surrounding circumstances reinforce this inference: the DHO's unexplained reluctance to issue the certified copy, the withholding of the application from 11-07-2025 until 24-07-2025, and the initiation of an inquiry against those requesting for the merit list, all prior to the Court's intervention, are indicia of a deliberate attempt to delay, obscure, and deter scrutiny. The later withdrawal of the inquiry notice does not efface the inference of mala fides. This Court is of the considered view that the absence of a uniform, transparent, and accessible mechanism for issuance of certified copies of public documents reflects an administrative vacuum, which not only impedes access to justice but also undermines public accountability. The relevant authorities may consider the establishment of designated information officers, record management cells,



and digitized portals to ensure timely and verifiable access to certified records.

11. The matter thus transcends mere non-compliance with a judicial directive. It discloses a pattern of administrative misconduct, abuse of authority, and apparent connivance in the distortion of a competitive recruitment process. Public appointments, especially at the entry level, are a trust reposed in the appointing authority for the benefit of the citizenry. Any act of tampering with a merit list corrodes that trust, deprives deserving candidates of their rightful opportunity, and entrenches a culture of favouritism and corruption. It is a betrayal of the constitutional promise of equal treatment in public employment. This Court, therefore, is constrained to observe that the facts as uncovered reveal a disturbing lapse in integrity within the office of the DHO concerned. The public rightly expects that those who hold administrative charge will discharge their functions with scrupulous adherence to law, resisting any temptation, whether from personal gain, political influence, or other extraneous pressure, to manipulate official records. When that expectation is disappointed, confidence in the machinery of governance is eroded, and the legitimacy of the administration itself is called into question.

12. From the record and testimony, this Court finds, *prima facie*, that the DHO's office was the locus of the tampering and his conduct amounts to deliberate interference with the administration of justice within the contemplation of contempt jurisdiction. The acts disclosed exhibit administrative misconduct, abuse of authority, and apparent connivance in distorting a competitive recruitment process.

13. While refraining at this stage from a definitive finding on the criminal culpability of the DHO, the Court directs that the matter be forthwith referred to the Worthy Chief Secretary, Azad Government of the State of Jammu and Kashmir, who shall himself conduct, or cause to be conducted under his direct supervision, a comprehensive inquiry into the conduct of the DHO. Pending the outcome of the inquiry, the Government is directed to immediately transfer the DHO from his present position, and he shall not be posted as District Health Officer in any District for a period of not less than five years. All relevant records shall be secured and preserved to prevent any further tampering. Compliance with these directions shall be reported to the Registrar within ten days. The Chief Secretary shall submit a full report of the inquiry, together with recommendations for disciplinary or legal action, within two months. This Court reserves the right to take further measures upon perusal of that report. A copy of this judgment shall be transmitted to the Chief Secretary, Principal Secretary, and Secretary Health for immediate compliance.

The contempt petition is disposed of in the above terms, but the matter shall remain under the watch of this Court until the Chief Secretary's report is received and considered. Accordingly, the Chief Secretary, Azad Government of the State of Jammu and Kashmir, is directed to:

- Formulate and notify, within ninety (90) days, a comprehensive policy providing a transparent, time-bound, and accessible mechanism for the issuance of certified copies of public documents maintained by all government departments, authorities, and public bodies.

- Designate a Public Information Officer in each department and subordinate office to receive and process applications for such certified copies.
- Maintain a digital and physical register of all requests received and copies issued, to ensure accountability and traceability.
- Display the procedure publicly on the department's notice board and official website for the information of all concerned.
- Ensure strict compliance through periodic monitoring, and take disciplinary action against any official found deliberately obstructing the process

**JUDGE      ACTING CHIEF JUSTICE**

Muzaffarabad:  
15.08.2025