

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

Contempt Petition No. 03/2012

in

SMC. No. 29/2011.

Sabir Hussain

Petitioner.

Versus

Hadi Hussain & others

Respondents.

PRESENT:-

1. Mr. Ali Dad Khan Advocate alongwith Mr. Ali Nazar Khan Advocate-on-Record for the petitioner.
2. The Advocate General Gilgit-Baltistan on behalf of the respondents.

DATE OF HEARING: - 17.04.2017.

This Contempt Petition No. 03/2012 was filed by the petitioner namely Sabir Hussain against the Secretary Education contending therein that this court vide order dated 29.11.2011 in SMC. No. 29/2011 had directed the respondent No. 01 i.e. Syed Hadi Hussain, the then Secretary Education, upon the assurance for making appointment of candidates including the present petitioner.

2. The learned counsel for the petitioner submits that the petitioner is at serial No. 08 of the merit list of the OT teachers (BPS-14) issued by the respondents upon the assurance for making appointment. He also submits that despite of the said assurance and specific direction/order dated 29.11.2011 issued by this apex court, the respondents were failed and reluctant to issue appointment letter of the petitioner. Per learned counsel the respondents had appointed those candidates who neither qualified

the test nor their names were included in the merit list. He submits that the respondents had committed willful breach of a valid assurance given before this apex court as such they are become liable for punishment under the Contempt of Court Ordinance, 2003 read with Article 75 of the Gilgit-Baltistan (Empowerment & Self Governance) Order, 2009.

3. He finally submits that this apex court may be pleased to take legal action against the respondents by awarding them punishment for willful disobedience and violation of order/direction dated 29.11.2011. He prays that the respondents are directed to issue appointment letter of the petitioner to meet the ends of justice.

4. On the other hand, the learned Advocate General contends that the petitioner namely Sabir Hussain son of Wazir Shah appeared in written test of OT teacher (BPS-14) but he could not qualify the said test. He contends that the petitioner obtained only 04 marks out of 15 while the minimum marks for passing the test were 05 marks. Per learned Advocate General the instant contempt petition filed by the petitioner is baseless, unfounded and without any cause of action. He finally contends that the Secretary Education is not competent to create a post or convert a post of male quota into female quota, therefore, this contempt petition No. 03/2012 is the result of misconception of law and facts of the case, hence, the same is liable to be set aside.

5. We have heard the learned counsels for the respective parties at length, perused the record of the case file and gone through the order dated 29.11.2011 in SMC. No. 29/2011 passed by this court.

6. The careful perusal of the case file reveals that the petitioner did not qualify the test, therefore, we are in agreement with the learned Advocate General that the contempt petition is baseless, unfounded and without any cause of action, hence, no interference is warranted into it. Consequently, this petition is dismissed, the petitioner, however, may approach the learned Secretary Education for redressal of his grievance, if any, in accordance with law.

7. The petition is dismissed in above terms.

Chief Judge.

Judge.

Whether the case is Fit to be reported or Not?