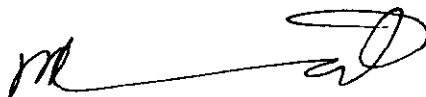


Cont. ord
15.09.21

1m defendant no. 3 are hereby
Syed Ajar Hussain Vs Ishrat Ali etc
set aside.

File is to come up for
reply of the other pending
application & arguments
on 16.09.21.



Rehmat Ullah Wazir
Civil Judge/JM-I
Orakzai at (Babar Mera)

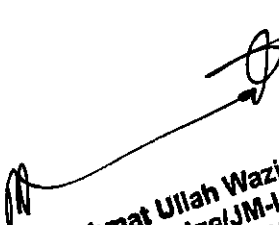
Or.....15
16.09.2021

Presence as before.

Through my this single order, indent to dispose off an application for the rejection of plaint, filed by the defendant no. 01 against the plaintiff.

This application was strongly contested by the other party by filing replication and forwarding arguments thereto.

Brief facts of the case are that the plaintiff filed the instant suit for declaration-cum-perpetual and mandatory injunction to the effect that it was decided through jirga deed dated: 25.06.2010 at the time of the upgradation that one of the Class-IV job in the suit school will be given to the land owner while the other Class-IV job will be decided through toss. That the toss came out in favour of the plaintiff. That now, when the middle portion of the school got ready, applications were filed for the Class-IV jobs but now the defendant no. 03 is going to appoint the defendants no. 01 & 02 which is the result of a collusion and the violation of the aforesaid jirga deed/decision. That these acts of the defendants are illegal,
Continue.....


Rehmat Ullah Wazir
Civil Judge/JM-I
Orakzai at (Babar Mera)

Syed Ajdar Hussain Vs Ishrat Ali etc

Or.....15
Continued
16.09.2021

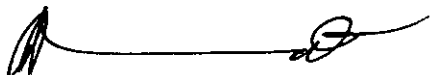
ineffective upon the rights of the plaintiff and liable to cancellation. That the defendants be directed to act upon the aforesaid jirga deed/decision.

Arguments heard and record perused.

After hearing of arguments and perusal of the record, I am of the opinion that the crux of the instant suit is the so called jirga decision between the parties through which the Class-IV jobs in the said school were distributed and the plaintiffs pray for its specific performance. The suit vacancies are public offices as per the law and the same are required to be filled through public competition which is to be open for the whole public of District Orakzai for participation. This is against law and public policy to purchase a public office through any consideration that may be the transfer of land etc. Thus, the alleged agreement between the parties is clearly illegal and against the public policy, thus, hit by sec. 23 of the Contract Act, 1872, the specific performance whereof could not be granted. Guidance in this respect is derived from SCMR 1997, page 855. Thus, in the light of the aforesaid findings, the application in hand is accepted and the plaint of the plaintiff is rejected being not maintainable in the eyes of law with costs.

File be consigned to the record room after its necessary completion and compilation.

Announced
16.09.2021


(Rehmat Ullah Wazir)
Civil Judge-I,
Orakzai at Baber Mela