

**ORDER SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

I.C.A.No.296 of 2020  
Iffat Humayun Khan and another  
**Versus**  
Chairman, Board of Governors, National Institute of Historical and  
Cultural Research and another

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	<b>22.10.2020</b>	<b>M/s Muhammad Shoaib Shaheen and Saif ur Rehman Shah Bukhari, Advocates for the appellants</b>

Through the instant intra Court appeal, the appellants impugn the judgment dated 08.09.2020 passed by the learned Judge-in-Chambers, whereby writ petition No.3403/2019 filed by the appellants, was dismissed as not maintainable. The petitioners in the said writ petition had sought a direction to the Chairman, Board of Governors, and the Director of National Institute of Historical and Cultural Research Centre of Excellence, Quaid-e-Azam University to reinstate them in service with all consequential benefits and also to regularize their services with effect from the date of their initial appointment.

2. Through the said writ petition, the petitioners had agitated a matter pertaining to the terms and conditions of their service.

3. It is well settled that a writ petition is maintainable where the respondent authority violated any provision of law or statutory rules. Employees who are governed by statutory rules can avail the remedy of filing a writ petition before the High Court. It is also well settled that the principle of ‘master and servant’ was applicable to the employees whose services were not governed by any statutory rules. Employees of a

university, in the absence of violation of law or any statutory rule, could not press into service the Constitutional jurisdiction of the High Court in order to seek relief with respect to their employment.

4. In the judgment dated 08.02.2016 passed in I.C.A No.224 of 2015 titled "Yaseen Ullah Khan Vs. Quaid-e-Azam University, Islamabad through its Vice Chancellor and another" this Court has already taken a view that as the rules of Quaid-e-Azam University are non-statutory, and aggrieved party could not seek his/her remedy through a petition under Article 199 of the Constitution. This view was taken on the basis of the judgment dated 14.01.2016 passed by the Hon'ble Supreme Court of Pakistan in Civil Appeal No.1504 of 2013 titled "Muhammad Islam Vs Quaid-e-Azam University through its Vice Chancellor etc.". Paragraph 6 of the said judgment is reproduced herein below:-

*"The appellant may have been treated unfairly at some stage of his service but since the rules, regulating his services are not statutory, his grievance is not amenable to the constitutional jurisdiction under Article 199 of the Constitution of Pakistan. The dicta laid down in the cases referred to by the learned ASC for the respondents, may well be referred to in this behalf. We, thus, cannot help the appellant under the dispensation spelt out by the dicta, relied upon by the learned ASC for the respondents. The case of Pakistan Defence Officers' Housing Authority Vs. Jawaid Ahmed (supra) cannot advance the case of the appellant when in that case the High Court or for that matter the Supreme Court interfered because the employer while proceeding against the employees violated the provisions of RSO which is not the case here."*

5. This Court is bound to take a view consistent with the one taken by the Hon'ble Apex Court in the said judgment dated 14.01.2016.

Therefore, the appellants could not seek their remedy through a petition under Article 199 of the Constitution. As the writ petition instituted by the appellants was not maintainable, we do not deem it appropriate to give any findings on the merits of the case. The appellants may agitate their grievance before the Court of plenary jurisdiction should they so desire. Resultantly, this appeal is dismissed in *limine*.

**(LUBNA SALEEM PERVEZ)**  
**JUDGE**

**(MIANGUL HASSAN AURANGZEB)**  
**JUDGE**

*Ahlesham\**