

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

F.A.O. No.110 of 2017

Asif Hussain

Versus

Federal Public Service Commission, Islamabad

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	16.03.2020	Dr. G.M. Chaudhry, Advocate for the appellant. Mr. Muhammad Nadeem Khan Khakwani, learned Assistant Attorney-General. Mr. Mahmood Ullah Farrukh, Assistant Director (Legal), F.P.S.C.

Through the instant appeal under Section 7(3)(d) of the Federal Public Service Commission Ordinance, 1977 ("1977 Ordinance"), the appellant, Asif Hussain, voices his grievance against his ouster from the competitive process for appointment against the post of Director (BS-20) in the Academy of Educational Planning and Management ("A.E.P.M."), Ministry of Federal Education & Professional Training, Islamabad.

2. Learned counsel for the appellant submitted that as per the criteria given in the advertisement as well as the Rules, the appellant was fully qualified to be appointed against the said post; that the appellant had the requisite 17 years post-qualification experience in the field of Educational Planning and Management and Policy Formulation; that the appellant successfully participated in the competitive process, but was subsequently informed that he lacked post-qualification experience by 07 years, 07 months and 01 day on the closing date; that in taking this view, the respondent did not take into account the appellant's experience as a Lecturer for 02 years, 08 months and 11 days at the Government Post Graduate College, Jehlum, and for 02 years, 04 months and 16 days at Government Zimanadara

Science Degree College, Gujrat; that infact the appellant's post-qualification experience was 18 years, 06 months and 29 days; that since the appellant's post-qualification experience was for a period more than the period provided in the advertisement for the said post, Federal Public Service Commission ("F.P.S.C.") could not have rejected the appellant's candidature; that in order for a Joint Director (BS-19) to be promoted as Director (BS-20) in the A.E.P.M., only 17 years of service in BS-17 and above is required; that the petitioner had already served as Research Officer in the A.E.P.M. from 07.04.2006 to 31.03.2011, and as Deputy Director from 08.05.2015 till date; and that in the past, the F.P.S.C. had taken into account the teaching experience as Lecturer while making appointments such as the one in question. Learned counsel for the appellant prayed for the appeal to be allowed in terms of the relief sought therein.

3. On the other hand, learned Assistant Attorney-General assisted by Mr. Mahmood Ullah Farrukh, Assistant Director (Legal), F.P.S.C., submitted that the instant appeal was time barred and therefore, is liable to be dismissed on this ground alone. Learned Assistant Attorney-General further submitted that the appellant's experience as a Lecturer could not be taken into consideration as such experience was not in the field of Educational Planning and Management and Policy Formulation; that the appellant's appeal against the rejection of his candidature was dismissed by the F.P.S.C. and so was his review petition against the appellate order; that the requirement of 17 years of post-qualification experience in the field of Educational Planning and Management and Policy Formulation was

strictly in accordance with the recruitment rules notified through SRO 74(I)/2008, dated 14.01.2008; and that the rejection of the appellant's candidature for appointment as Director in A.E.P.M. due to the lack of experience by 07 years, 07 months and 01 day does not suffer from any legal infirmity. Learned Assistant Attorney-General prayed for the appeal to be dismissed.

4. I have heard the contentions of the learned counsel for the appellant as well as the learned Assistant Attorney-General and have perused the record with their able assistance.

5. The postal receipt annexed at page 9 of this appeal shows that the impugned order dated 29.05.2017 was received by the appellant on 02.06.2017. The instant appeal was filed by the appellant on 03.07.2017. On the very same day, the office raised objections which were cleared by the appellant on 17.07.2017. Since the appeal was originally filed within time, I am of the view that this appeal cannot be dismissed as time barred due to the clearance of the office objections by 17.07.2017.

6. As regards the merits of the case, the appellant's primary grievance was that his service as a Lecturer from 21.11.1997 to 02.08.2000 in the Government Post Graduate College, Jehlum, and from 03.08.2000 to 19.12.2002 in the Government Zimanadara Science Degree College, Gujrat should have been counted by the F.P.S.C. as part of his post-qualification experience so as to make him eligible for appointment as Director (BS-20) in the A.E.P.M.

7. In the advertisement dated 02.06.2016 published by the F.P.S.C., one of the posts for

which applications were invited was the post of Director (BS-20) in the A.E.P.M. The candidates were required to have 17 years of post-qualification experience *"in the field of Educational Planning and Management and Policy Formulation"*. The sole ground on which the appellant's candidature for the said post was rejected was that he lacked post-qualification experience by 07 years, 07 months and 01 day. If the appellant's service as a Lecturer between 21.11.1997 to 19.12.2002 was counted towards his post-qualification experience, he would have fulfilled the eligibility criteria for appointment against the said post. The position taken by the F.P.S.C. is that Lecturership in the above mentioned two colleges could not be treated as experience *"in the field of Educational Planning and Management and Policy Formulation"*. Learned counsel for the appellant was unable to convince the Court that the F.P.S.C. had committed an illegality by not treating the appellant's experience as a Lecturer as experience *"in the field of Educational Planning and Management and Policy Formulation"*. It was not explained as to how the responsibilities of a Lecturer also entailed management and policy formulation.

8. The F.P.S.C. had accepted the appellant's experience as Deputy District Education Officer (Colleges) (BS-17) in the Higher Education Department, Government of Punjab between 20.12.2002 to 06.04.2006, and as Research Officer (BS-17) in A.E.P.M. between 07.04.2006 to 31.03.2011, and as Deputy Director (BS-18) in A.E.P.M. between 08.05.2015 to 20.06.2016 as experience *"in the field of Educational Planning and Management and Policy Formulation"*. This

Court, vide judgment dated 01.12.2016, passed in F.A.O. No.74/2016, had held that experience as a Lecturer/Assistant Professor could not be counted as "*relevant experience*" for a post which was administrative in nature.

9. In view of the above, I do not find any merit in the instant appeal, which is accordingly dismissed with no order as to costs.

(MIANGUL HASSAN AURANGZEB)  
JUDGE

Ahtesham\*