

Form No: HCJD/C-121.

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Writ Petition No. 3569 OF 2019

Muhammad Tajamul Hanif
Vs
Federation of Pakistan, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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25-01-2021. Petitioner in person.
S. M Tayyab, Deputy Attorney General.

ATHAR MINALLAH, CJ.- The petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 (hereinafter referred to as the "**Constitution**"), assailing orders, dated 25.04.2018 and 11.09.2019.

2. The facts, in brief, are that the petitioner was appointed on 15.10.2004 against the post of Assistant District Program Officer. At the time of his appointment he did not have Master in Political Science degree. The Master of Business Administration degree was not recognized by the Higher Education Commission of Pakistan. It is the case of the petitioner that the required qualification was graduation and, therefore, a master degree was not relevant. The National Commission for Human Development Islamabad (hereinafter referred to as the "**Commission**") terminated the employment of the petitioner on the sole ground that at the time of his

appointment he did not possess the minimum required qualification.

3. The learned Deputy Attorney General has contended that the petition is not maintainable because the terms and conditions of employees of the Commission are not governed under statutory rules/regulations. He has further contended that the degree of the petitioner was fake and, therefore, the Commission was justified in terminating his employment.

4. The petitioner has placed reliance on the case titled 'The Director-General, National Commission for Human Development and another vs. Ambreen Ansari and another' **2015 SCMR 1188**, in support of his contention that the service regulations of the Commission have been declared as statutory.

5. The petitioner and the learned Deputy Attorney General have been heard and the record perused with their able assistance.

6. Admittedly, the institution from where the petitioner asserts to have obtained his degree in "Master of Administration of Business" was not recognized by the Higher Education Commission. The minimum prescribed requirement for being eligible was not taken into consideration by the appellate authority. Moreover, it does not appear from the record that the petitioner had submitted a fake degree. There is obviously a distinction between a fake degree and a degree that has been

issued by an unrecognized institution. The unaccredited institution is not recognized by the Higher Education Commission. This was a crucial factor which should have been taken into consideration by the appellate authority. The reference made by the petitioner ~~to~~ on the judgment titled 'The Director-General, National Commission for Human Development and another vs. Ambreen Ansari and another' **2015 SCMR 1188**, affirms that the august Supreme Court has treated the service regulations of the Commission as statutory.

7. In the light of the above discussion, the petition is allowed and the order passed by the appellate authority dated 11.09.2019 is hereby set-aside. The appeal of the petitioner shall be treated as pending before the Secretary, Ministry of Education. The latter after affording an opportunity of hearing is expected to decide the petition afresh, inter alia, taking into consideration the factors highlighted in this order.

CHIEF JUSTICE

Asif Mughal/*