

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P No. 973/2020

Muhammad Akhtar Anjum & others

Versus

Ministry of Education & Professional Training through its Secretary & another

Serial No. of order/ proceeding.	Date of order/ proceedings	Order with signatures of judge, and that of parties or counsel, where necessary.
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04

27.4.2020

Petitioner No.1 in person.

Ghulam Azam Qambrani, J: This writ petition has been filed with the following prayer;-

“It is, therefore, humbly and respectfully prayed that the instant petition may graciously be accepted and the impugned notification dated 11.03.2020 to the extent of Mr. Muhammad Zia ul Haq, Mr. Ijaz Ahmad Khan Vice Principals Islamabad Model School for Boys (VI-X) F-8/3 Islamabad, Shahadat Khan Vice Principle Islamabad Model School for Boys (VI-X) No.1, 1-9/4 Islamabad , Tahir Abbasi, Vice Principal (BPS-18) and Dr. Khursheed Alam Vice Principal (BPS-18) Islamabad Model College for Boys (VI-XII) G-7/2, Islamabad in the interest of justice.

It is further prayed that the operation of impugned transfer/posting notification order 11.03.2020 to the extent of Mr. Muhammad Zia ul Haq and Mr. Ijaz Ahmad Khan vice Principles Islamabad Model School for Boys (VI-X) F-8/3 Islamabad and Shahadat Khan Vice Principle Islamabad Model School for Boys (VI-X) NO.1, 1-9/4 Islamabad, Tahir Abbasi Vice Principal (BPS-18) Islamabad Model College for Boys (VI-XII) G-7/2, Islamabad may kindly be suspended till final disposal of the instant petitions.

Any other relief, which this Hon'ble Court deems fit and proper in the circumstance of the case may also be awarded to the petitioner in paramount interest of justice.”

2. Brief facts of the case are that petitioner No.1 is practising lawyer at Islamabad and was elected as President of School Management Committee Islamabad Model School for Boys (VI-X) F-8/3, Islamabad and his two sons are student of Class-IX & X, Science Group in the said school. Petitioner No.2 was elected as President of School Management Committee Islamabad Model School for Boys (VI-X) No.1, I-9/4, Islamabad. Further that there are nine vacant posts of SST, two posts of DHM and one post of Vice Principal lying vacant in President of School Management Committee Islamabad Model School for Boys (VI-X) F-8/3, Islamabad; that respondent No.3 wrote many letters to the office of respondent No.2 with regard to filling the said post. Further there are three posts of Vice Principal IMSB (VI-X), out of 03, 01 post is already vacant. It is further stated that now Mr.Muhammad Zia-ul-Haq and Ijaz Ahmad Vice Principals, have been transferred along with post vide notification dated 11.03.2020, hence this writ petition.

3. The petitioner contended that there are twelve posts of teachers lying vacant at IMSB (VI-X) F-8/3, Islamabad and if Muhammad Zia ul Haq and Ijaz Ahmad are relieved and transferred from IMSB (VI-X) F-8/3 Islamabad, the students of said school shall suffer irreparable loss to their studies both the above said teachers were teaching Chemistry & Physics to 9th & 10th Class and that respondent No.2 is not the competent authority to abolish the post of Vice Principal or to create the post of Vice Principal at Primary School.

4. Arguments heard, record perused.

5. It is a settled principle of law that this Court has no jurisdiction to interfere in the policy matter of the Federal Government so far as these policy matters remain within the domain of concerned

statute, rules and regulations. Question of posting of a government servant squarely falls within the jurisdictional domain of competent authority, subject to law and rules made therefor. It is also settled principle of law that where a particular statute provides a self contained mechanism and well defined forum of redressal for the determination of question of law or fact by way of appeal or revision or representation to another tribunal or committee or authority or officer, the petitioners without exhausting the said remedy cannot be allowed to invoke the constitutional jurisdiction of this Court. In the instant case, the petitioners, without exhausting the remedy of departmental appeal before the competent authority, has filed the instant constitutional petition which is not maintainable. Reliance in this regard is placed upon case law titled as “ Messers Associated Industries Ltd. Vs Federation of Pakistan through Secretary Economic Affairs & two others” [2014 PTD 552], “Peer Muhammad Vs Government of Balochistan through Chief Secretary & others” [2007 SCMR 54] & “ Punjab Small Industries Corporation Vs Ahmad Akhtar Cheema” [2002 PLC (C.S) 182].

6. For the reasons stated above, this writ petition having no force, is dismissed in limine.

(GHULAM AZAM QAMBRANI)
JUDGE

S.Akhtar