ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P.No.3740 of 2021
Saba Batool Mumtaz
Versus
Higher Education Commission (HEC)

S. No. of order / proceedings	Date of order / Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	22.10.2021	**Mr. Shakil-ur-Rehman Khan, Advocate for the petitioner.**

Through the instant writ petition, the petitioner, Saba Batool Mumtaz, impugns the advertisement dated 26.09.2021 published by the Higher Education Commission inviting applications for appointment against various posts including the post of Law Officer (BPS-17) on regular basis. The said advertisement has been assailed only to the extent of the requirement of "first class academic record throughout" from the applicants for appointment to the said post.

2. Learned counsel for the petitioner drew the attention of the Court to the Higher Education Commission Employees (Recruitment) Rules, 2009 ("the 2009 Rules") and submitted that in the said Rules there is no requirement for an applicant for the post of Law Officer (BPS-17) to have "first class academic record throughout"; and that since the said requirement in the advertisement is violative of the 2009 Rules the same is liable to be declared unlawful. Learned counsel for the petitioner prayed for the writ petition to be allowed in terms of the relief sought therein.

3. I have heard the contentions of the learned counsel for the petitioner and have perused the record with his able assistance.

4. The record shows that the petitioner obtained 648 marks out of 1050 in her

Matriculation and 652 marks out of 1100 in her Intermediate. Her Intermediate result shows that she was placed in grade "C". She passed her Bachelors in second Division. She has done her LL.B from International Islamic University Islamabad and is a practicing advocate of the High Court.

5. The 2009 Rules require an applicant for appointment to the post of Law Officer (BPS-17) to have the following qualifications and experience;

> **"Bachelors Degree in Law (LL.B) OR equivalent from HEC recognized University / Institution with 02 years experience as a practicing lawyer in the field of services / corporate Laws.**
>
> **Must possess good verbal and written communication skills, MS Office proficiency is pre-requisite."**

6. Indeed, the 2009 Rules do not require an applicant for appointment to the post of Law Officer (BPS -17) to have "first class academic record throughout", but the said Rules also do not provide that an applicant with a second class or lower academic record is eligible for appointment to the said post. It is the prerogative of the Higher Education Commission to set the standard of the qualifications which is prescribed in the Rules. The Higher Education Commission cannot be directed to consider an applicant with a second or third class academic record for appointment to the said post. I do not find any illegality or unreasonableness for the requirement in the advertisement dated 26.09.2021 of an applicant for appointment to the post of Law Officer (BPS17) in Higher Education Commission to have a first class academic record throughout.

7. In view of the above, the instant petition is dismissed in *limine*.

(MIANGUL HASSAN AURANGZEB)
JUDGE