

HIGH COURT OF AZAD JAMMU & KASHMIR

WRIT PETITION (1)

Writ petition No.1404/2023.
Date of institution 10.04.2023.
Date of decision 07.05.2024.

Afzana Kausar Vs. AJ&K Public Service Commission & others

(Petitioner)

(Respondents)

WRIT PETITION (2)

Writ petition No.1264/2023.
Date of institution 04.04.2023.

Sehrish Noor & others Vs. Azad Govt. & others

(Petitioners)

(Respondents)

WRIT PETITION (3)

Writ petition No.1211/2023.
Date of institution 29.03.2023.

Raja Faizan Khan & others Vs. Azad Govt. & others

(Petitioners)

(Respondents)

WRIT PETITION (4)

Writ petition No.1261/2023.
Date of institution 04.04.2023.

Ayesha Nazir Vs. Azad Govt. & others

(Petitioners)

(Respondents)

WRIT PETITION (5)

Writ petition No.1348/2023.

Date of institution 06.04.2023.

Fehmeeda Bano Vs. Azad Govt. & others

(Petitioner)

(Respondents)

WRIT PETITION (6)

Writ petition No.1322/2023.

Date of institution 05.04.2023.

Sarwat Irshad Vs. Public Service Commission & others

(Petitioner)

(Respondents)

WRIT PETITION (7)

Writ petition No.1237/2023.

Date of institution 03.04.2023.

Tanveer Ahmed Vs. Azad Govt. & others

(Petitioner)

(Respondents)

WRIT PETITION (8)

Writ petition No.1243/2023.

Date of institution 03.04.2023.

Sameeda Bano Vs. Azad Govt. & others

(Petitioner)

(Respondents)

WRIT PETITION (9)

Writ petition No.48/2023.

Date of institution 03.01.2023.

Mohammad Tabarak Vs. Azad Govt. & others

(Petitioner)

(Respondents)

WRIT PETITION (10)

Writ petition No.1350/2023.
Date of institution 07.04.2023.

Khalida Shafi Vs. Azad Govt. & others

(Petitioner) (Respondents)

WRIT PETITION (11)

Writ petition No.1991/2023.
Date of institution 04.04.2023.

Maida Iqbal Vs. Azad Govt. & others

(Petitioner) (Respondents)

WRIT PETITION (12)

Writ petition No.1231/2023.
Date of institution 31.03.2023.

Naseem Awan Vs. Azad Govt. & others

(Petitioner) (Respondents)

WRIT PETITION (13)

Writ petition No.1403/2023.
Date of institution 08.04.2023.

Mehwish Kiran Vs. Azad Govt. & others

(Petitioner) (Respondents)

WRIT PETITION (14)

Writ petition No.1232/2023.
Date of institution 01.04.2023.

Kanwal Shahzazi Vs. Azad Govt. & others

(Petitioner) (Respondents)

WRIT PETITION (15)

Writ petition No.1233/2023.
Date of institution 01.04.2023.

Syeda Siddiqa Batool Bukhari Vs. Azad Govt. & others

(Petitioner)

(Respondents)

WRIT PETITION (16)

Writ petition No.1234/2023.
Date of institution 01.04.2023.

Rizwana Khadim Vs. AJ&K Public Service Commission & others

(Petitioner)

(Respondents)

WRIT PETITION (17)

Writ petition No.1229/2023.
Date of institution 03.04.2023.

Saqib Aziz Vs. Azad Govt. & others

(Petitioner)

(Respondents)

WRIT PETITION (18)

Writ petition No.1329 /2023.
Date of institution 06.04.2023.

Saqib Aziz Azad Govt. & others

(Petitioner)

(Respondents)

WRIT PETITION (19)

Writ petition No.1212/2023.
Date of institution 29.03.2023.

Saman Batool Vs. Azad Govt. & others

(Petitioner)

(Respondents)

WRIT PETITION (20)

Writ petition No.1284/2023.
Date of institution 04.04.2023.

Mohammad Latif & others Vs. Azad Govt. & others

(Petitioners)

(Respondents)

WRIT PETITION (21)

Writ petition No.1215/2023.
Date of institution 29.03.2023.

Raja Zaigham Ashraf Kiani & others Vs. AJ&K PSC & others

(Petitioners)

(Respondents)

WRIT PETITION (22)

Writ petition No.1272/2023.
Date of institution 04.04.2023.

Mohammad Zameer Chaudhary Vs. PSC & others

(Petitioner)

(Respondents)

WRIT PETITION (23)

Writ petition No.3750/2022.
Date of institution 11.10.2022.

Syed Zameer Hussain Shah & others Vs. Azad Govt. & others

(Petitioners)

(Respondents)

Before:- Justice Syed Shahid Bahar, J.

IN PRESENCE OF:

Salma Tariq Saduzai, Advocate for the Petitioner in writ petition No.1404/23.

Syed Zulqarnain Raza Naqvi, Advocate for the Petitioner in writ petitions No.1264/23, 1211/23, 48/23, 1291/23, 1231/23, 1232/23, 1233/23, 1229/23, 1329/23, 1212/23, 3750/22.

Mohammad Ibrar, Advocate for the Petitioner in writ petition No.1261/23.

Raja Zaigham Iftikhar, Advocate for the Petitioner in writ petition No.1348/23.

Sardar Abdul Sammie Khan, Advocate for the Petitioner in writ petition No.1322/23.

Shahid Ali Awan/Mazhar Javed/Mohammad Saeed Awan, Advocates for the Petitioner in writ petition No.1237/23.

Shahid Ali Awan/Mazhar Javed/Mohammad Saeed Awan, Advocates for the Petitioner in writ petition No.1243/23.

Saqib Javed, Advocate for the Petitioner in writ petition No.1350/23.

Mir Naseer Hassan, Advocate for the Petitioner in writ petition No.1403/23.

Mohammad Khalid Naqashbandi, Advocate for the Petitioner in writ petitions No.1234/23, 1272/23.

Jamshed Ahmed Butt, Advocate for the Petitioner in writ petition No.1284/23.

Ch. Shoukat Aziz, Advocate for the Petitioner in writ petition No.1215/23.

Aliya Abdul Rehman, Legal Advisor for Public Service Commission.

Abdul Basit Qureshi, Legal Advisor for Education Department.

JUDGMENT:

Through the supra constitutional petitions filed under Article 44 of the Azad Jammu & Kashmir Interim Constitution, 1974, the petitioners are seeking directions against the respondents to consider and appoint them against the advertised posts mentioned in the advertisement, as per their qualifications and meritorious position.

2. The case of the petitioners is that Public Service Commission advertised posts of Secondary School Teacher (General Line) BPS-16 for all the administrative units of Azad Jammu & Kashmir through advertisement Nos. 01/18 and 03/19 and the petitioners being qualified applied for the supra posts and after participating in the test and interview got the meritorious positions, however, their names were not listed in the press release, so, being dissatisfied, despite having the requisite qualification as per relevant rules, the petitioners approached the proper forum for redressal of their grievances. It has been averred that in both the advertisements, the required criteria stipulated in the rules has categorically been mentioned and the Higher Education Commission issued a notification dated 03.02.2015 through which list of subjects for disciplines of Social Sciences, has been revised and "Education" is included in the list of Social Sciences on the other hand, the Secretariat Elementary & Secondary Education also issued an order dated 30.12.2015, whereby, B.Ed/M.Ed is declared as equivalent with M.A Education, thus, as per stance of the petitioners, the act of the respondents for not including the petitioners' names in the list of short listed candidates is against the law and rules. It

has further been mentioned that HEC vide its letter dated 05.12.2018 and 25.04.2012 decided to recognize the degree of B.S Ed, MS Ex, M.Ed (sciences) for the purpose of appointments as against the post in the Education Department and the Secretariat Education Punjab through letter dated 11.11.2020 and 18.10.2021, declared that the degree of M.A and M.Ed may be considered as academic besides professional qualification, resultantly, the petitioners are fully eligible to participate in the selection process and also are entitled to be appointed against the posts in questions, hence, the supra petitions.

3. All the writ petitions were admitted for regular hearing and respondents after admission of the petitions have also filed written statement, whereby, the contents of petitions were refuted in toto and prayed for dismissal of the petitions.

4. As the common questions of law and facts are involved in all the petitions, therefore, the same are being disposed of through this single judgment.

5. Heard. Record perused. The controversy involved in the instant cases is very narrow. The learned counsel for petitioners emphasized on the point that the

Higher Education Commission issued a notification dated 03.02.2015 through which list of subjects for disciplines of Social Sciences, has been revised and “Education” is included in the list of Social Sciences. Similarly, the Secretariat Elementary & Secondary Education also issued an order dated 30.12.2015, whereby, B.Ed/M.Ed is declared as equivalent with M.A Education. In order to resolve the controversy in hand, it is useful to reproduce the notifications dated 03.02.2015, 05.12.2018 issued by HEC as well as order dated 30.12.2015 issued by Secretariat Elementary & Secondary Education:-

HIGHER EDUCATION COMMISSION

It is hereby to notify all concerned that the list of subjects for disciplines of Social Sciences, Arts & Humanities and Business Education has been revised and stated below:

Social Sciences

- Archeology
- Anthropology
- Archival Studies
- Economics
- Econometrics
- Disaster Economics
- Political Science
- Public Administration
- Defence & Strategic Studies
- International Relations
- Psychology including Clinical, Industrial
- Developmental Psychology
- Philosophy
- Sociology
- Iqbal Studies/Iqbaliyat
- Rural Development Studies
- Social Work

- Criminology
- Library and Information Sciences
- History
- Demography and Population Studies
- Ethnography
- Conservation Studies
- Religious Studies/Comparative Religion
- Islamic Studies/Arabic Studies
- **Education**
- Special Education
- Law and Legislature
- Home Economics
- Pakistan Studies
- Peace & Conflict Studies
- Behavioral Sciences
- Women and Gender Studies
- American Studies
- Area Studies
- Development Studies
- Journalism
- Mass Communication
- Media Studies
- Rural/Urban Studies
- Women Studies

Arts & Humanities

- Fine Arts
- Liberal Arts
- Photography
- Performing Arts
- Musicology
- Film/Film Production
- Physical Education and Sports
- Languages and Literature
- Translation Studies
- Museology (Museum Science)
- Curatorial Studies
- Design
- History of Art and Design
- Architecture
- Urban & Town Planning
- Pedagogy of Arts and Design
- Visual Arts

Business Education

- Finance all subjects including
 - Accounting
 - Public Science
- Business Administration/Studies
- Organization Science
- Operations Research & Supply Chain

- Marketing
- Finance
- Banking
- Commerce
- Administrative Sciences
- Management Information Systems
- Skill Development
- Industry Focused Disciplines
- Management Sciences;
 - Human Resource Management/Human
 - Resource Development
 - Financial Management
 - Marketing Management
 - Management
 - Quality Management
 - Project Management
 - Disaster and Risk Management
 - Hotel Management
 - Services Management

HIGHER EDUCATION COMMISSION

Abid Wahab
Deputy Director (A& A)

No.8(61)/A&A/2018/HEC/13791
December 5, 2018

Mr. Shehzad Mahmood,
S/o Ghulam Nabi,
Pull Dub, Post Office Afzal Pur,
District Mirpur, Azad Kashmir.
Mob. 03465027410

Subject: Equivalence of Master of Education degree awarded by Allama Iqbal Open University, Islamabad

Dear Sir,

With reference to your application dated October 29, 2018 on the subject, it is informed that a similar decision has already been taken regarding equivalence of the degrees awarded by the Institute of Education and Research, University of the Punjab, Lahore in the 25th meeting of the Equivalence Committee of erstwhile UGC held on 1.3.1990 which is resolved as under:

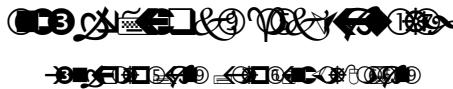
“The Committee considered the request of the Director, Institute of Education and Research, University of the Punjab, Lahore and observed that the University of the Punjab has launched Master of Science Education (MS.Ed), M.Ed (Science) and B.S Ed courses for Science graduates on the pattern of M.A Education, M.Ed. having the similar entrance requirements as well as duration. It was, therefore, decided to recognize the degree of B.S Ed, M.S Ed, M.Ed (Sciences) as equivalent to B.Ed, M.Ed, M.A (Education) MBE, M.A.Tech. Edu (Industrial Arts) for the purpose of appointment to the post (s) in the Ministries/Departments of Education/Universities in the related fields of education.

It may also be noted that admission in the university for further education and determination of suitability in relation to job requirement rest with the concerned university and employing agency, respectively and this Commission has no role in such issues.

Yours faithfully,

Abid Wahab
Deputy Director
Accreditation & Attestation

The Azad Government of the State of Jammu & Kashmir Secretariat Elementary & Secondary Department also passed an order dated 30th of December 2015 through which the employees of the Education Department whose educational qualification is B.Ed, M.Ed is approved to be considered as equivalent to M.A Education. The order is as under:-



20.05.2014 88-39/HEC/A&A/2014/2813

As per departmental rules 2016, the requisition was sent to the Public Service Commission for appointment/induction of the SST (General Line), which is as under:-

Functional Unit	Name of Post with Grade	Appointing Authority	Minimum Qualification for Appointment
Teaching	Secondary School Teacher Arts (M/F) BPS-16	Minister	(i) Master degree/BS (Honors) (2 nd Division) in Social Sciences, Urdu, Pak Studies, Islamic Studies, English or other relevant subjects from a recognized university M.Ed, M.A Education or B.Ed (2 nd Division) from recognized university/institution OR B.Ed (Honors) from a recognized university.

As per Government policy dated March 01, 2017 called as “The Azad Jammu & Kashmir Teachers Recruitment Policy 2017”, Master Degree in any subject shall be considered academic qualification, whereas, M.Ed/MA (Edu)/B.Ed (Hons)/ADE degree shall be considered as professional qualification as well. 40% quota has been reserved for initial recruitment for the post of Secondary School Teacher Arts (M/F) BPS-16 as per departmental rules and in the said rules, the candidate’s qualification must be Master degree in any subject as above and in addition to that like M.Ed or B.Ed is also compulsory for appointment and third option has also been given that the candidate if does not fulfil the first two conditions, he/she must have the qualification of B.Ed (Honors), hence, the departmental rules in this regard are very clear for initial recruitment as well as promotion against the post of SST (General Line). So, it can safely be said that the candidates who possess the Master degree in the subjects mentioned hereinabove as recognized by HEC, they must have the professional degree i.e. B.Ed or M.Ed additionally but the candidates who possess the degrees of B.Ed (Honors) they don’t require any additional qualification as their degrees as per rules and policy itself shall be considered as both for academic and professional

qualification as well. However, the candidate who possess the simple qualification of Master degree is not eligible for such induction as the professional degree is necessary and compulsory for appointment of SST (General Line) and the same has duly been mentioned in the rules and policy of 2017. **As per policy supra, Master's degree in any of the subject shall be considered as academic qualification and B.Ed and M.Ed shall be considered as professional qualification (in absence of B.Ed, M.Ed, B.S Education (Hons) and ADE degree, M.A Education will be considered as only professional qualification, whereas, B.S Education (Hons)/B.Ed (Hons) and ADE degree shall be considered as both academic as well as professional qualification.**

6. Before launching the new educational policy, the appointments of the SST had been made on the basis of previous rules, whereby, the candidate having the bachelor degree must possess the professional qualification i.e. B.Ed or M.Ed meaning thereby that bachelor degree was considered as academic and B.Ed or M.Ed degree was considered as professional degree, however, after issuance of 4 years program, the situation has slightly been changed as in 4 years program like B.Ed (Honors) and M.A Education it included both academic as well as professional

qualification, so, the intention of the legislature is that for appointment of teachers in Education Department, the candidate alongwith the academic qualification must possess professional qualification. Professional qualifications often indicate a high level of skill and expertise in a particular field or profession. They demonstrate specialized knowledge and proficiency that can be valuable in various contexts. Absolutely, in the field of education, professional qualifications are essential for teaching staff, educators and faculty members of the Government academy and other educational professionals. These qualifications ensure that educators have the necessary skills, knowledge and competencies to effectively teach and support the students. Professional qualifications can vary depending on the specific role and jurisdiction, but they often involve completing relevant education programs, obtaining certifications, and sometimes ongoing professional development to stay updated with the latest educational practices and standards. The professional qualifications provide educators with the pedagogical knowledge, teaching methods, and practical experience necessary to effectively teach students. Additionally

obtaining a B.Ed or M.Ed often satisfies the regulatory requirement for teaching.

7. Education was also included in Social Sciences as per notification dated 03.02.2015 and in the departmental rule, the qualification for the post of Secondary School Teacher General Line BPS-16 is Master's Degree in Social Sciences with additional qualification of B.Ed and if the candidates do not possess the supra qualification next option of "OR" is also available to them to possess M. A Education/BS (Hons) and B.Ed (Hons) 4 years' degree from any University recognized by HEC. However, the learned counsel for intervener/private respondents Mr. Shahid Ali Awan advocate apprised the Court that notification dated 30.12.2015, whereby, B.Ed or M.Ed degrees were ordered to be declared equivalent to M.A Education has been cancelled and he also provided a copy of order dated 11.10.2019, through which the supra notification dated 30.12.2015 has been cancelled/repealed by the Secretariat Elementary and Secondary Education, Azad Govt. of the State of Jammu & Kashmir. It has been argued by Mr. Shahid Ali Awan advocate representing the interveners/applicants that the present petitions are not maintainable on the count that they are not possessing the

requisite qualification for the posts of SST, thus, Public Service Commission has rightly refused them to allow their participation in the viva voce. He staunchly contended that word “or” employed in the column of rules qua qualification is to be read and as well as in furtherance of the qualification mentioned earlier. Stance of the interveners is mere hypothesis, they have got no locus-standi to question the qualification of the petitioner as firstly they have not objected the applications of the petitioners before Public Service Commission and subsequently kept mum by remaining silent spectators when they appeared in written test, secondly they have not challenged the vires of rules and policy notification quo equivalence of the degrees possessed by the petitioners. Thus, stance of the interveners is discarded for the above reasons.

8. The question which now emerges from the proposition is relevancy of the subject and equivalence of the degrees possessed by the petitioners. Thus, it requires interpretation in view of the rules and policy referred. Whenever, the language of the legislature admits of two constructions and, if constructed in one way, would lead to obvious injustice, the Courts act upon the view that such a result could not have been intended, unless the intention

had been manifested in express words. Statutes which encroach the rights of the subjects whether as regular as regards to person or property, are similar subject to a strict construction in the sense before explained. It is recognized that they should be interpreted, if possible so as to respect such rights ¹. Rules cannot travel beyond the orbit of the statutes or for that matter general law, any inconsistency in the rules with the statutes simply cannot be read at all as it amounts to give overriding effect to the rules over the parent statutes.

9. So far as the interpretative method of the canon of construction is concerned, the principle which regulates the interpretation of statutes must be taken to regulate the interpretation of the rules as well. The cardinal principle of interpretation is that the rules are subordinate to the scheme under which they are made if reconciliation between the section and the rules is not possible, the rules must give way and if they have meaning and effect which is not consistent with the act under which they are made they are ultra-vires ².

¹. Maxwell Interpretation of Statutes.

². PLD 1968 Lah. 1012.

10. If a term occurs in the rules made under a law and the rules do not contain the definition of the term but the law, does a definition give in the law is applicable to the terms whenever it occurs in the rules unless there be anything in the context to show the contrary ³.

11. The word “relevant” employed in the rules requires to be interpreted in connection with the controversy at hand;

In Oxford English dictionary Volume II word “relevant” has been defined as under;

Relevant. Bearing upon, connected with, pertinent to the matter in hand, legally pertinent or sufficient relieving, remedial. First of all, it deems appropriate to place both the present and previous rules in juxtaposition in order to ascertain the will and wisdom of the rule making authority.

The Azad Jammu & Kashmir Elementary and Secondary Education Department teaching cadre service rules 2016;

- (i) Minimum qualification for appointment through initial recruitment

Functional Unit	Name of Post with Grade	Appointing Authority	Minimum Qualification for Appointment
Teaching	Secondary School Teacher Arts (M/F) BPS-16	Minister	(i) Master degree/BS (Honors) (2 nd Division) in Social Sciences, Urdu, Pak Studies, Islamic Studies, English or other relevant

³. PLD 1962 Lah. 453.

			<p>subjects from a recognized university</p> <p>(ii) M.Ed, M.A Education or B.Ed (2nd Division) from recognized university/institution</p> <p>OR</p> <p>B.Ed (Honors) from a recognized university.</p>
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Azad Jammu & Kashmir Elementary and Secondary Education Department Teaching Cadre Service Rules 2022.

Name of the Department	Functional Unit	Name of Post with Grade	Appointing Authority	Minimum Qualification for Appointment
Elementary and Secondary Education (E&SE)	Teaching	Secondary School Teacher General Line (Female) BPS-16	Government	<p>(i) Master degree/BS (Honors) (2nd Division) in Social Sciences, (Urdu, Pak Studies, Islamic Studies, English or other relevant subjects from a recognized university and</p> <p>(ii) B.Ed (2nd Division from any university recognized by HEC.</p> <p>Or</p> <p>(iii) Master's Degree in Education/BS (Hons) in education/B.Ed (Hons) 4 years 2nd Division from any university recognized by HEC</p>

Vital points requiring determination and deliberation at the outset is whether the Master's degree holders other than subject mentioned in the rules are relevant to the mentioned subjects or not? As subjects of Education and Special Education have been included the list of subjects of

Social Sciences, thus, in this sense it is useful to ascertain the true dictionary meanings of the supra word vide infra:-

- (i) Education. A leading or putting forth or out.. removal by drawing forth... the action of education
- (ii) Special. Particular, individual, of such a kind as to exceed or excel in some way that which is usual or common exceptional in character, quality or degree.... Admitted to particular intimacy, held in particular esteem; marked off from others of the kind by some distinguish qualities or features, having a distinct or individual character, additional to the usual and ordinary having an individual, particular and limited application. Object or intention, concerning a single person, thing or circumstances or a particular class of the MF. Peculiar late MF (Ect) ⁴
- (iii) Specialist. One who specially or exclusively studies one subject or one particular branch of subjects.

⁴. Shorter Oxford Dictionary Volume I.

In view of the factual matrix of the supra writ petitions and in light of the rules prevailing at the moment certain guiding principles are hereby chalked out vide infra:-

(i) Three categories qua qualification have been given in the rules;

(a) Master degree BS (Hons) 2nd division) in Social Sciences (Urdu, Pak Studies, Islamic Study, English or other relevant subjects) from a recognized University and M.Ed, MA Education or B.Ed 2nd Division from a recognized University or B.Ed (Hon's) from a recognized University,

It is declared that two set of qualification (being bridged by the word and) are interlinked and connected, both qualifications and degrees are simultaneously required for the purpose of consideration against the post of SST. While in juxtaposition third category of qualification is an independent qualification which is clearly demarcated and indicated by placing the word "or", thus, candidates having Master's degree in the mentioned subjects (in the rules) and other relevant subjects alongwith the professional degrees of M.Ed, M.A Education or B.Ed 2nd division are coming up to the mark of the eligibility criteria as per rules.

- (ii) As per notification dated 03.02.2015, following subjects have been declared in the disciplines of Social Sciences, Arts and Humanities and Business Education;

Social Sciences

- Archeology
- Anthropology
- Archival Studies
- Economics
- Econometrics
- Disaster Economics
- Political Science
- Public Administration
- Defence & Strategic Studies
- International Relations
- Psychology including Clinical, Industrial
- Developmental Psychology
- Philosophy
- Sociology
- Iqbal Studies/Iqbaliyat
- Rural Development Studies
- Social Work
- Criminology
- Library and Information Sciences
- History
- Demography and Population Studies
- Ethnography
- Conservation Studies
- Religious Studies/Comparative Religion
- Islamic Studies/Arabic Studies
- **Education**
- Special Education
- Law and Legislature
- Home Economics
- Pakistan Studies
- Peace & Conflict Studies
- Behavioral Sciences
- Women and Gender Studies
- American Studies
- Area Studies
- Development Studies
- Journalism
- Mass Communication
- Media Studies
- Rural/Urban Studies
- Women Studies

Arts & Humanities

- Fine Arts
- Liberal Arts
- Photography
- Performing Arts
- Musicology
- Film/Film Production
- Physical Education and Sports
- Languages and Literature
- Translation Studies
- Museology (Museum Science)
- Curatorial Studies
- Design
- History of Art and Design
- Architecture
- Urban & Town Planning
- Pedagogy of Arts and Design
- Visual Arts

Business Education

- Finance all subjects including
 - Accounting
 - Public Science
- Business Administration/Studies
- Organization Science
- Operations Research & Supply Chain
- Marketing
- Finance
- Banking
- Commerce
- Administrative Sciences
- Management Information Systems
- Skill Development
- Industry Focused Disciplines
- Management Sciences;
 - Human Resource Management/Human
 - Resource Development
 - Financial Management
 - Marketing Management
 - Management
 - Quality Management
 - Project Management
 - Disaster and Risk Management
 - Hotel Management
 - Services Management

Above indicated subjects in the discipline of Social Sciences i.e. Education and Special Education having vast meaning and covers all the facets of the Master's degrees possessed by the petitioners including M.BA (as it depicts from record and admitted by the official record that MBA degree holders Junior teachers are considered for promotion against the post of SST), thus, the Master's degree holders in the above subjects mentioned in the HEC notification are also eligible to apply and to be considered against the posts of SST General Line subject to further having professional qualification mentioned in the rules as well. (Professional degrees like B.Ed, M.Ed, M.Ed (Hons etc.)

- (iii) As per Azad Jammu & Kashmir Teachers Recruitment Policy notification dated 01.03.2017, following qualification has been given for SST Arts;
- Master's degree/BS (Hons) in Social Sciences (Urdu, Pak Studies, Islamic Studies, English or other relevant subjects or (B.Ed Hons) in absence of condition having M.A M.Sc/BS qualification B.Ed (one year,) B.Ed (Hons) shall

be considered both for academic and professional qualification. Thus, in the sense degree of B.Ed (Hons) serve the both purposes for professional and academic qualification and independent of other degree is sufficient for consideration.

Candidates having Master's degree in M. Com are coming within the definition of Social Sciences Special Education (as per HEC notification) thus, if they possess additionally the degrees of B.Ed, M.Ed or B.Ed (Hons) they are entitled to be considered for appointment.

Relevancy and equivalence of the subjects is within periphery and domain of HEC, thus, in future the relevant quarters are expected to seek detailed guidance from the HEC pertaining to controversy at hand. There cannot be straight jacket formula available to the official quarters to themselves ascertain the relevancy and equivalence of the subjects as the opinion of the HEC has final say in the matter.

Notification of HEC qua classification of the subjects is holding the field, nisi it is reconsidered or further

amended or clarified by the HEC. Master's degrees (possessed by the petitioners) are suffice for the purpose of consideration if the petitioners are also equipped with professional degrees as well. Master's degrees holders additionally possessing the professional degrees like B.Ed, M.Ed cannot be segregated from the other relevant subjects coming within the definition of Education and Special Education (as indicated in the policy notification of HEC).

The sequel of the above discussion is that the writ petitions are disposed of with the direction to respondents, Public Service Commission to consider the case of the petitioners in view of above observation as per their meritorious position and then proceed further in accordance with law within one month. No order as to costs. Files shall be kept in archive.

Muzaffarabad.

07.05.2024 (Saleem)

JUDGE

Note:- Judgment is written and duly signed and the same has been announced in the open Court in presence of the learned counsel for the parties accordingly.

JUDGE

(Approved for Reporting)

JUDGE