SUPREME COURT OF AZAD JAMMU AND KASHMIR

(Appellate Jurisdiction)

PRESENT

Mohammad Azam Khan, C.J.
Ch. Muhammad Ibrahim Zia, J.
Raja Saeed Akram Khan, J.

1. Civil Appeal No. 07 of 2017
(PLA filed on 20.12.2016)

1. Ch. Latif Akbar, Former Finance Minister, Muzaffarabad.
2. Muhammad Matloob Inqlabi, Former Minister for Higher Education, Muzaffarabad.
3. Mian Abdul Waheed, Fromer Minister for Elementary & Secondary Education, Muzaffarabad.
4. Imtiaz Husain s/o Zia-ud-Din r/o Kundal Shahi, District Neelum.
5. Muhammad Sadiq Aadil s/o Ghulam Murtaza r/o Kundal Shahi, District Neelum.
6. Bashir Hussain s/o Zia-ud-Din r/o Kundal Shahi, District Neelum.
7. Muhammad Sadiq s/o Saif-ud-Din r/o Kundal Shahi, District Neelum.
8. Altaf Hussain s/o Muhammad Zaman r/o Kundal Shahi, District Neelum.
9. Ishaq Sheikh s/o Sabir Sheikh r/o Kundal Shahi, District Neelum.
10. Khalil Ahmed Khan s/o Wali Muhammad Khan r/o Chehchhan Post Office Khas, Tehsil Pallandri, District Sudhnuti.
11. Fida Hussain s/o Bostan Khan r/o Chehchhan Post Office Khas, Tehsil Pallandri, District Sudhnuti.
12. Khalid Mehmood s/o Muhammad Khaliq r/o Chehchhan Post Office Khas, Tehsil Pallandri, District Sudhnuti.

13. Zulfiqar Ahmed s/o Makhan Khan r/o Chehchhan Post Office Khas, Tehsil Pallandri, District Sudhnuti.
14. Shoukat Hussain s/o Noor Hussain r/o Chehchhan Post Office Khas, Tehsil Pallandri, District Sudhnuti.
15. Abdul Rehman s/o Abdul Aziz r/o Koat Kotli Post Office Pallandri, Tehsil Pallandri, District Sudhnuti.
16. Muhammad Farooq s/o Muhammad Din r/o Koat Kotli Post Office Pallandri, District Sudhnuti.
17. Muhammad Latif s/o Sakhi Muhammad r/o Gorah Post Office Khas Tehsil Pallandri, District Sudhnuti.
18. Muhammad Yaseen s/o Fazal Din r/o Hathi Gorah Tehsil Pallandri, District Sudhnuti.
19. Muhammad Latif s/o Muhammad Din r/o Gorah Post Office Pallandri Tehsil Pallandri, District Sudhnuti.
20. Shoukat s/o Gul Hussain r/o Gorah Post Office Pallandri, Tehsil Pallandri, District Sudhnuti.
21. Muhammad Shabir s/o Lal Hussain r/o Gorah, Tehsil Pallandri, District Sudhnoti.
22. Ch. Muhammad Nazir s/o Ch. Noor Muhammad r/o Bandi Gorsiyan P/o Lamnian Tehsil and District Hattian Bala.
23. Sadiq Hussain s/o Salam Din r/o Bandi Gorsiyan P/o Hattian Bala Tehsil and District Hattian Bala.
24. Mehar Din s/o Soba r/o Bandi Gorsiyan Post Office Hattian Bala, Tehsil and District Hattian Bala.
25. Muhammad Ashraf s/o Khani Zaman r/o Bandi P/o Kahori, Tehsil and District Muzaffarabad.
26. Muhammad Ayub s/o Rehmat Ullah r/o Post Office Saidpura Tehsil and District Muzaffarabad.
27. Muhammad Riaz s/o Muhammad Nazir Khan r/o Trar Dewan P/O Rawalakot Tehsil Rawalakot, District Poonch.
28. Maryam Khalil d/o Khalil Ahmed Khan student of Govt. Girls Inter College Chechhan, District Sudhnooti (Humanities Annual 2016).

29. Ramsha Fida d/o Fida Hussain student of Govt. Girls Inter College Chechhan, District Sudhnooti (Humanities Annual 2016).
30. Fakhra Samia d/o Fida Hussain student of Govt. Girls Inter College Chechhan, District Sudhnooti (Humanities Annual 2016).
31. Hefza Khalid d/o Khalid Mehmood student of Govt. Girls Inter College Chechhan, District Sudhnooti (Humanities Annual 2016).
32. Sehrish Bibi d/o Zulfiqar Ahmed student of Govt. Girls Inter College Chechhan, District Sudhnooti (Humanities Annual 2016).
33. Maryum Bibi d/o Zulfiqar Hussain student of Govt. Girls Inter College Chechhan, District Sudhnooti (Humanities Annual 2016).
34. Sumaira Zulfiqar d/o Zulfiqar Ahmed student of Govt. Girls Inter College Gorah, District Sudhnooti (Humanities Annual 2016).
35. Mehmoona Kosar d/o Abdul Rehman student of Govt. Girls Inter College Gorah, District Sudhnooti (Humanities Annual 2016).
36. Kousar Farooq d/o Muhammad Farooq student of Govt. Girls Inter College Gorah, District Sudhnooti (Humanities Annual 2016).
37. Sumaira Zulfiqar d/o Zulfiqar Ahmed student of Govt. Girls Inter College Gorah, District Sudhnooti (Humanities Annual 2016).
38. Naila Yaseen d/o Muhammad Yaseen student of Govt. Girls Inter College Gorah, District Sudhnooti (Humanities Annual 2016).
39. Misbah Malik d/o Muhammad Asghar student of Govt. Girls Inter College Gorah, District Sudhnooti (Humanities Annual 2016).
40. Aqsa Latif d/o Muhammad Latif student of Govt. Girls Inter College Gorah, District Sudhnooti (Humanities Annual 2016).
41. Bisma Hussain d/o Shoukat Hussain student of Govt. Girls Inter College Gorah, District Sudhnooti (Humanities Annual 2016).
42. Tuba Shoukat d/o Shoukat Hussain student of Govt. Girls Inter College Chechhan, District Sudhnooti (Humanities Annual 2016).

43. Sheeza Sabir d/o Muhammad Sabir student of Govt. Girls Inter College Chechhan, District Sudhnooti (Humanities Annual 2016).
44. Sheeza Sabir d/o Muhammad Sabir student of Govt. Girls Inter College Chechhan, District Sudhnooti (Humanities Annual 2016).
45. Hasrat Ahmed s/o Sadiq Hussain student of Govt. Boys Inter College Lamnian, District Hattian Bala (Humanities, Annual 2016).
46. Ishfaq Ahmed s/o Mehar Din student of Govt. Boys Inter College Lamnian, District Hattian Bala (Humanities, Annual 2016).
47. Banaras Ahmed s/o Muhammad Ashraf student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, Annual 2016).
48. Muhammad Babar s/o Muhammad Ayub student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, Annual 2016).
49. Muhammad Irfan s/o Khursheed Gujjar student of Govt. Boys Inter College Khaliqabad Mirpur (Commerce, Annual 2016).
50. Hamad Khursheed s/o Khursheed Gujjar Student of Govt. Boys Inter College Khaliqabad Mirpur (Commerce, Annual 2016).
51. Afaq Khursheed s/o Khursheed Gujjar student of Govt. Boys Inter College Khaliqabad Mirpur (Commerce, Annual 2016).
52. Amer Rasheed s/o Abdul Rasheed student of Boys Inter College Khaliqabad Mirpur (Commerce, Annual 2016).
53. Raja Mobeen s/o Muhammad Zameer student of Govt. Boys Inter College Khaliqabad Mirpur (Commerce, Annual 2016).
54. Abrar Ahmed s/o Sagher Ahmed student of Govt. Boys Inter College Khaliqabad Mirpur (Commerce, Annual 2016).
55. Nadir Ayub s/o Muhammad Ayub student of Govt. Boys Inter College Khaliqabad Mirpur (Commerce, Annual 2016).
56. Bilal Ishaq s/o Muhammad Ishaq student of Govt. Boys Inter College Khaliqabad Mirpur (Commerce, Annual 2016).

57. Ali Raza s/o Nazakat Hussain student of Govt. Boys Inter College Khaliqabad Mirpur (Commerce, Annual 2016).
58. Muhammad Junaid Saddique s/o Muhammad Saddique student of Govt. Boys Inter College Khaliqabad Mirpur (Commerce, Annual 2016).
59. Umair Ahmed s/o Wali Muhammad student of Govt. Boys Inter College Khaliqabad Mirpur (Commerce, Annual 2016).
60. Muhammad Zulfiqar s/o Khadim Hussain student of Govt. Boys Inter College Khaliqabad Mirpur (Humanities, Annual 2016).
61. Aqib Javed s/o Javed student of Govt. Boys Inter College Khaliqabad Mirpur (Humanities, Annual 2016).
62. Moin Afzal s/o Sher Afzal student of Govt. Boys Inter College Khaliqabad Mirpur (Humanities, Annual 2016).
63. Muhammad Mohsin Ali s/o Muhammad Azam student of Govt. Boys Inter College Khaliqabad Mirpur (Humanities, Annual 2016).
64. Haider Aziz s/o Abdul Aziz student of Govt. Boys Inter College Khaliqabad Mirpur (Humanities, Annual 2016).
65. Farhan Latif s/o Abdul latif student of Govt. Boys Inter College Khaliqabad Mirpur (Humanities, Annual 2016).
66. Adnan Masin s/o Iqbal Masin student of Govt. Boys Inter College Khaliqabad Mirpur (Humanities, Annual 2016).
67. Asad Mir Zaman s/o Mir Zaman student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, Annual 2016).
68. Musharaf Hussain Mughal s/o Noor Hussain student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, Annual 2016).
69. Muhammad Rustam s/o Aziz-ur-Rehman student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).
70. Nasir Hussain s/o Hameed Ullah student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).

71. Abdul-ul-Salam s/o Abdul Hameed Qasmi student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).
72. Sheraz Ahmed s/o Habib Ullah student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).
73. Ahmad s/o Noori Man student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).
74. Abdul Jaleel s/o Muhammad Farooq Saddique student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).
75. Arslan Nazir s/o Muhammad Nazir student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).
76. Muhammad Safeer s/o Muhammad Sain student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).
77. Mir Naqash Ahmed s/o Fazal-ur-Rehman student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).
78. Muhammad Yaqoob s/o Gul Zaman student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).
79. Muhammad Khalid s/o Muhammad Younas student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).
80. Muhammad Faizan s/o Hushmat Ullah student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).
81. Amer Basheer s/o Muhammad Basheer student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).
82. Muhammad Atif s/o Muhammad Hassan student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).
83. Mir Qamar Iltaf s/o Mir Muhammad Iltaf student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).
84. Muhammad Kashir s/o Hassan Gul student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).

85. Mir Muhammad Sajid s/o Muhammad Afzal student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).
86. Muhammad Ubaid s/o Abdul Aziz student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).
87. Muhammad Nasir s/o Abdul Kareem student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).
88. Baber Hussain s/o Muhammad Feroz student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).
89. Ansar Latif s/o Abdul Latif student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).
90. Ehtesham s/o Muhammad Saeed student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).
91. Muhammad Jameel s/o Abdur Rehman student of Govt. Boys Inter College Buttle Muzaffarabad (Humanities, 2016).
92. Adeel Ahmed s/o Muhammad Sharif student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
93. Zameer Akbar s/o Muhammad Akbar Sheikh student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
94. Fiaz Ahmed s/o Kaloo student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
95. Tahir Sadiq s/o Sadiq Hussain student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
96. Ghanwa Mehmood d/o Mehmood Akram Abbasi student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
97. Toqeer ul Islam s/o Muhammad Safeer student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
98. Muhammad Zaheer s/o Noor Muhammad student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).

99. Nisar Ahmed s/o Din Muhammad student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
100. Hashmat Hussain s/o Munir Ahmed student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
101. Muhammad Itefaq s/o Muhammad Jahangir student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
102. Shahzad Basheer s/o Muhammad Basheer student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
103. Attiq-ur-Rehman s/o Muhammad Bashir student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
104. Nidam Hussain s/o Ghulam Ahmed student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
105. Asim Shafi s/o Muhammad Shafi student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
106. Muhammad Siddique s/o Imam Din student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
107. Saad Khaleel s/o Khaleel Khan student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
108. Muhammad Azeem s/o Alif Din student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
109. Mohsin Akhtar s/o Akhtar Hussain Hasrat student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
110. Ishtiaz Rasheed s/o Abdul Rasheed student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
111. Karamat Hussain s/o Raj Muhammad student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
112. Muhammad Tasveer s/o Muhammad Shafi student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).

113. Fiaz Ahmed s/o Kamal Din student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
114. Saqib Matin s/o Matin Ahmed student of Govt. Boys Inter College Lamnian District Hattian Bala (Pre-Engineering, 2016).
115. Faizan Manzoor s/o Qazi Manzoor Ahmed Qureshi student of Govt. Boys Inter College Lamnian District Hattian Bala (Pre-Engineering, 2016).
116. Mubashir Aslam s/o Qazi Muhammad Aslam student of Govt. Boys Inter College Lamnian District Hattian Bala (Pre-Medical, 2016).
117. Qazi Ehtesham Ahmed s/o Muhammad Munir student of Govt. Boys Inter College Lamnian District Hattian Bala (Pre-Medical, 2016).
118. Khaliq-ur-Rehman Siddique s/o Mushtaq Ahmed student of Govt. Boys Inter College Lamnian District Hattian Bala (Pre-Medical, 2016).
119. Mansoor Badar s/o Badar Zaman student of Govt. Boys Inter College Lamnian District Hattian Bala (Pre-Medical, 2016).
120. Muhammad Rashid s/o Muhammad Nazir student of Govt. Boys Inter College Lamnian District Hattian Bala (Pre-Engineering, 2016).
121. Kifayat Shabir s/o Shabir Ahmed student of Govt. Boys Inter College Lamnian District Hattian Bala (Pre-Medical, 2016).
122. Waleed Ahmed s/o Muhammad Shafi student of Govt. Boys Inter College Lamnian District Hattian Bala (Pre-Medical, 2016).
123. Waheed Ahmed s/o Abdul Latif student of Govt. Boys Inter College Lamnian District Hattian Bala (Pre-Medical, 2016).
124. Musharaf Butt s/o Najeed Ullah student of Govt. Boys Inter College Lamnian District Hattian Bala (Pre-Medical, 2016).
125. Jafar Ahmed s/o Imam ud Din student of Govt. Boys Inter College Lamnian District Hattian Bala (Pre-Medical, 2016).
126. Tamoor Ahmed s/o Imam ud Din student of Govt. Boys Inter College Lamnian District Hattian Bala (Pre-Medical, 2016).

127. Shahid Dar s/o Muhammad Shoukat student of Govt. Boys Inter College Lamnian District Hattian Bala (Pre-Medical, 2016).
128. Muhammad Shakir s/o Muhammad Israel student of Govt. Boys Inter College Lamnian District Hattian Bala (Pre-Medical, 2016).
129. Ehsan Manzoor s/o Manzoor Ahmed student of Govt. Boys Inter College Lamnian District Hattian Bala (Pre-Medical, 2016).
130. Ummara Zubair d/o Zubair Ahmed Abbasi student of Govt. Boys Inter College Lamnian District Hattian Bala (Pre-Medical, 2016).
131. Zarish Irshad d/o Muhammad Irshad student of Govt. Boys Inter College Lamnian District Hattian Bala (Pre-Medical, 2016).
132. Hadia Irshad d/o Muhammad Irshad Abbasi student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
133. Yousra Mumtaz d/o Mumtaz Abbasi student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
134. Urooj Safeer d/o Safeer Ahmed Abbasi student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
135. Momina Hakam d/o Hakam Ali Khan Abbasi student of Govt. Boys Inter College Lamnian District Hattian Bala (Pre-Medical, 2016).
136. Kanwal Altaf d/o Altaf Hussain student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
137. Azad Ahmed s/o Mir Zaman student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
138. Munsif Zameer s/o Muhammad Zameer student of Govt. Boys Inter College Lamnian District Hattian Bala (Humanities, 2016).
139. Iqra Bibi d/o Muhammad Younas Khan student of Govt. Girls Inter College Chechhan District Sudhnuti (Humanities, 2016).
140. Sidra Fatimah d/o Jahanzeb Khan student of Govt. Girls Inter College Chechhan District Sudhnuti (Humanities, 2016).

141. Sana Sajid d/o Sajid Ameen student of Govt. Girls Inter College Chechhan District Sudhnuti (Humanities, 2016).
142. Samara Kanwal d/o Kala Khan student of Govt. Girls Inter College Chechhan District Sudhnuti (Humanities, 2016).
143. Madyha Asif d/o Asif Iqbal student of Govt. Girls Inter College Chechhan District Sudhnuti (Humanities, 2016).
144. Humaira Khanam d/o Abdul Rahim Khan student of Govt. Girls Inter College Chechhan District Sudhnuti (Humanities, 2016).
145. Sania Shaheen d/o Akhtar Hussain student of Govt. Girls Inter College Chechhan District Sudhnuti (Humanities, 2016).
146. Shabnum Waheed d/o Abdul Waheed Khan student of Govt. Girls Inter College Chechhan District Sudhnuti (Humanities, 2016).
147. Bushra Beharam d/o Muhammad Beharam student of Govt. Girls Inter College Chechhan District Sudhnuti (Humanities, 2016).
148. Madiha Wahid d/o Wahid Hussain student of Govt. Girls Inter College Chechhan District Sudhnuti (Humanities, 2016).
149. Attia Nazarat d/o Nazrat Hussain Khan student of Govt. Girls Inter College Chechhan District Sudhnuti (Humanities, 2016).
150. Ersha Humayun d/o Humayun Khan student of Govt. Girls Inter College Chechhan District Sudhnuti (Humanities, 2016).
151. Khensa Ejaz d/o Ejaz Ahmed student of Govt. Girls Inter College Chechhan District Sudhnuti (Humanities, 2016).
152. Madiha Nazeeb d/o Muhammad Nazeeb Khan student of Govt. Girls Inter College Chechhan District Sudhnuti (Humanities, 2016).
153. Manzza Bibi d/o Abdul Haleem student of Govt. Girls Inter College Chechhan District Sudhnuti (Humanities, 2016).
154. Rabia Kousar d/o Ramzan Ali student of Govt. Girls Inter College Chechhan District Sudhnuti (Humanities, 2016).

155. Adila Begum d/o Muhammad Nasir Khan student of Govt. Girls Inter College Chechhan District Sudhnuti (Humanities, 2016).
156. Ayeza Shahen d/o Hamid Ullah student of Govt. Girls Inter College Chechhan District Sudhnuti (Humanities, 2016).
157. Nazia Zaffar d/o Zaffar Hussain student of Govt. Girls Inter College Chechhan District Sudhnuti (Humanities, 2016).
158. Laiba Sakhawat d/o Sakhawat Hussain student of Govt. Girls Inter College Gorah District Sudhnuti (General Sciences, 2016).
159. Ayesha Mobeen s/o Barkat Hussain student of Govt. Girls Inter College Gorah District Sudhnuti (General Sciences, 2016).
160. Saba Khatoon d/o Muhammad Hanif student of Govt. Girls Inter College Gorah District Sudhnuti (General Sciences, 2016).
161. Nazish Shaukat d/o Shaukat Hussain student of Govt. Girls Inter College Gorah District Sudhnuti (General Sciences, 2016).
162. Maria Begum d/o Ghulam Rasool student of Govt. Girls Inter College Gorah District Sudhnuti (General Sciences, 2016).
163. Maryam Shafique d/o Muhammad Sharif student of Govt. Girls Inter College Gorah District Sudhnuti (General Sciences, 2016).
164. Sanam Andleeb d/o Muhammad Ashraf Khan student of Govt. Girls Inter College Gorah District Sudhnuti (General Sciences, 2016).
165. Sumaira Khanum d/o Mumtaz Hussain student of Govt. Girls Inter College Gorah District Sudhnuti (General Sciences, 2016).
166. Shaista Kanwal d/o Muhammad Rohail Khan student of Govt. Girls Inter College Gorah District Sudhnuti (General Sciences, 2016).
167. Sughra Rasheed d/o Abdur Rasheed student of Govt. Girls Inter College Gorah District Sudhnuti (General Sciences, 2016).
168. Iqra Shabir d/o Muhammad Shabir student of Govt. Girls Inter College Gorah District Sudhnuti (General Sciences, 2016).

169. Aveesa Nawaz d/o Muhammad Nawaz student of Govt. Girls Inter College Gorah District Sudhnooti (General Sciences, Annual 2016).
170. Muqaddas Khurshid d/o Kh. Muhammad Khrusheed student of Govt. Girls Inter College Gorah District Sudhnuti (General Sciences, 2016).
171. Khadija Younas d/o Muhammad Younas student of Govt. Girls Inter College Gorah District Sudhnuti (General Sciences, 2016).
172. Nadia Shabir d/o Shabir Ahmed student of Govt. Girls Inter College Gorah District Sudhnuti (Humanities, 2016).
173. Arooj Begum d/o Basharat Khan student of Govt. Girls Inter College Gorah District Sudhnuti (Humanities, 2016).
174. Iram Nazir d/o Nazir Hussain student of Govt. Girls Inter College Gorah District Sudhnuti (Humanities, 2016).
175. Fozina Arshad d/o Muhammad Arshad student of Govt. Girls Inter College Gorah District Sudhnuti (Humanities, 2016).
176. Hina Younis d/o Muhammad Younis student of Govt. Girls Inter College Gorah District Sudhnuti (Humanities, 2016).
177. Aliza Nazar d/o Nazar Hussain student of Govt. Girls Inter College Gorah District Sudhnuti (Humanities, 2016).
178. Iqra Raees d/o Muhammad Raees student of Govt. Girls Inter College Gorah District Sudhnuti (Humanities, 2016).
179. Muniba Imtiaz d/o Imtiaz Ahmed student of 1st year (Humanities Annual 2016) Girls Inter College Gorah, Tehsil Pallandri District Sudhnooti.
180. Maryam Bibi d/o Muhammad Haleem student of 1st year (Humanities Annual 2016) Girls Inter College Gorah, Tehsil Pallandri District Sudhnooti.
181. Ashrana Begum d/o Muhammad Younas student of 1st year (Humanities Annual 2016) Girls Inter College Gorah, Tehsil Pallandri District Sudhnooti.

182. Sumiya Mansha d/o Muhammad Mansha Khan student of 1st year (Humanities Annual 2016) Girls Inter College Gorah, Tehsil Pallandri District Sudhnooti.
183. Samaira Hafeez d/o Abdul Hafeez student of 1st year (Humanities Annual 2016) Girls Inter College Gorah, Tehsil Pallandri District Sudhnooti.
184. Aneeta Begum d/o Shehzad Akhter Shezad student of 1st year (Humanities Annual 2016) Girls Inter College Gorah, Tehsil Pallandri District Sudhnooti.
185. Mahmoona Kousar d/o Abdul Rehman student of 1st year (Humanities Annual 2016) Girls Inter College Gorah, Tehsil Pallandri District Sudhnooti.
186. Sania Mushtaq d/o Muhammad Mushtaq student of 1st year (Humanities Annual 2016) Girls Inter College Gorah, Tehsil Pallandri District Sudhnooti.
187. Muhammad Azam Azad s/o Maqbool Hussain r/o Muhagjir Colony, Khaliqabad P/O same, Tehsil and District Mirpur.
188. Muhammad Zameer s/o Muhammad Khan r/o Nai Abadi Jandial Post Office Samal Sharif Khaliqabad Tehsil and Distirct Mirpur.
189. Javed s/o Allah Dad r/o Janiyal Post Office Samwal Sharif Tehsil and District Mirpur.
190. Muhammad Ishaq s/o Haji Abdul Aziz r/o Khaliqabad Post Office same Tehsil and District Muzaffarabad.
191. Abdul Majeed s/o Muhammad Azam Khan r/o Tarala Post Office Khas Tehsil Sehensa, District Kotli.
192. Ansar Mehmood Khan s/o Muhammad Azad Khan r/o Kila Post Office Tarala Tehsil Sehensa, District Kotli.
193. Muhammad Zulfiqar Ali s/o Allah Ditta r/o Bunna Taral Post Office Tarala, Sehensa, District Kotli.
194. Mazhar Hussain s/o Muhammad Rafique r/o Palai Gala Tarala, Tehsil Sehensa, District Kotli.

195. Liaqat Hussain Khan s/o Channun Khan r/o Tarala Post Office Khas, Tehsil Sehensa, District Kotli.
196. Altaf Hussain s/o Lall Din r/o Sibi Cantt, Tehsil Sibi, Sub District Sibi.
197. Shakeel Ahmed s/o Akhter Hussain Marhoom r/o Muhallah Mantali Post Office Tarala, Tehsil Sehensa, District Kotli.
198. Mohsin Azam s/o Muhammad Azam, Government Inter College Khaliqabad, District Mirpur.
199. Mubeen s/o Zameer Government Inter College Khaliqabad, District Mirpur.
200. Aqib s/o Javed Government Inter College Khaliqabad, District Mirpur.
201. Bilal s/o Muhammad Ishaq Government Inter College Khaliqabad, District Mirpur.
202. Samia Ansar d/o Ansar Mehmood student of Government Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
203. Aqsa Zulfiqar d/o Muhammad Zufliqar Ali student of Government Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
204. Mehwish Majeed d/o Abdul Majeed student of Government Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
205. Faiza Mazhar d/o Mazhar Khan student of Government Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
206. Ayesha Perveen d/o Liaqat Hussain Khan student of Government Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
207. Tehmina Kosar d/o Altaf Hussain student of Government Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
208. Sehrish Shakil d/o Muhammad Shakil student of Government Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
209. Irfan s/o Muhammad Riaz Government Inter Collge Khaliqabad, District Mirpur.
210. Haider s/o Abdul Aziz Government Inter Collge Khaliqabad, District Mirpur.

211. Shaid Azam Khan s/o M. Azam Khan r/o Rawalakot.
212. M. Javed Khan s/o M. Hussain Khan r/o Rawalakot M. Ilyas s/o M. Hussain r/o Topa, Rawalakot.
213. Zahoor Ahmed s/o M. Saddique Khan r/o Darrak, Rawalakot.
214. Beenash Majeed d/o Abdul Majeed Student of Govt. Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
215. Sehrish Shakil d/o Muhammad Shakil Student of Govt. Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
216. Mehreen Afsar d/o Muhammad Afsar Student of Govt. Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
217. Sehrish Bibi d/o Kabir Hussain Student of Govt. Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
218. Mahnoor Shan d/o Muhammad Shan Student of Govt. Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
219. Irsa Batool d/o Anser Mehmood Khan Student of Govt. Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
220. Bushra Zafar d/o Waheed Iqbal Student of Govt. Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
221. Rimsha Bibi d/o Waheed Iqbal Student of Govt. Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
222. Irsa Sharif d/o Muhammad Sharif Khan Student of Govt. Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
223. Arooba Amin d/o Muhammad Ameen Student of Govt. Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
224. Samiah Azeem d/o Muhammad Azeem Student of Govt. Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
225. Areej Aurangzeb d/o Aurangzeb Khan Student of Govt. Girls Inter College Tarala, Tehsil Sehensa, District Kotli.

226. Hira Rasool d/o Ghulam Rasool Student of Govt. Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
227. Aneela Latif d/o Muhammad Latif Student of Govt. Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
228. Arina Haneef d/o Muhammad Haneef Student of Govt. Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
229. Alisha Zahid d/o Sardar Zahid Iqbal Student of Govt. Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
230. Sehrish Hanif d/o Muhammad Hanif Student of Govt. Girls Inter College Tarala, Tehsil Sehensa, District Kotli.
231. Malik Muhammad Sharif s/o Barkat Hussain r/o village Sehr Bissota, Tehsil Pallandri, District Sudhnooti.
232. Javed Khalid s/o Fazil Din r/o village Sehr Bissota, Tehsil Pallandri, District Sudhnooti.
233. Jannat Hussain s/o Rustam Ali r/o village Sehr Bissota, Tehsil Pallandri, District Sudhnooti.
234. Muhammad Bashir Akhter s/o Muhammad Hussain r/o village Sehr Bissota, Tehsil Pallandri, District Sudhnooti.
235. Muhammad Saeed Khan s/o Dil Muhammad r/o village Sehr Bissota, Tehsil Pallandri, District Sudhnooti.
236. Tariq Mehmood s/o Barkhordar Khan r/o village Sehr Bissota, Tehsil Pallandri, District Sudhnooti.
237. Raja Muhammad Ilyas s/o Jan Muhammad Khan r/o village Sehr Bissota, Tehsil Pallandri, District Sudhnooti.
238. Malik Muhammad Younis s/o Imam Din, r/o village Sehr Bissota, Tehsil Pallandri, District Sudhnooti.
239. Raja Muhammad Hanif s/o Dil Muhammad Khan r/o village Sehr Bissota, Tehsil Pallandri, District Sudhnooti.
240. Muhammad Hameed s/o Gul Muhammad Khan r/o village Sehr Bissota, Tehsil Pallandri, District Sudhnooti.

241. Malik Manzoor Hussain s/o Makhan Khan r/o village Sehr Bissota, Tehsil Pallandri, District Sudhnooti.
242. Muhammad Maroof s/o Sarwar Khan r/o village Sehr Bissota, Tehsil Pallandri, District Sudhnooti.
243. Imdad Husain s/o Allah Ditta r/o village Sehr Bissota, Tehsil Pallandri, District Sudhnooti.
244. Mumtaz Husain s/o Ghulam Muhammad r/o village Sehr Bissota, Tehsil Pallandri, District Sudhnooti.
245. Noor Baksh s/o Muhammad Hanif r/o village Sehr Bissota, Tehsil Pallandri, District Sudhnooti.
246. Kiran Naz d/o Muhammad Sharif Student of 1st year Govt. Girls Inter College Sehr Basota, Tehsil Pallandri, District Sudhnooti.
247. Nighat Naz d/o Muhammad Sharif Student of 1st year Govt. Girls Inter College Sehr Basota, Tehsil Pallandri, District Sudhnooti.
248. Shazia Bibi d/o Jannat Hussain Student of 1st year Govt. Girls Inter College Sehr Basota, Tehsil Pallandri, District Sudhnooti.
249. Sadaf Javed d/o Javed Khalid Student of 1st year Govt. Girls Inter College Sehr Basota, Tehsil Pallandri, District Sudhnooti.
250. Tehmina Shamshad d/o Kurban Hussain Student of 1st year Govt. Girls Inter College Sehr Basota, Tehsil Pallandri, District Sudhnooti.
251. Rabia Shabir d/o Shabir Hussain Student of 1st year Govt. Girls Inter College Sehr Basota, Tehsil Pallandri, District Sudhnooti.
252. Arooj Sarwar d/o Muhammad Sarwar Student of 1st year Govt. Girls Inter College Sehr Basota, Tehsil Pallandri, District Sudhnooti.
253. Farhana Khaliq d/o Muhammad Khaliq Student of 1st year Govt. Girls Inter College Sehr Basota, Tehsil Pallandri, District Sudhnooti.
254. Rabia Shabbir d/o Shabbir Hussain Student of 1st year Govt. Girls Inter College Sehr Basota, Tehsil Pallandri, District Sudhnooti.

255. Saba Fatima d/o Muhammad Tariq Student of 1st year Govt. Girls Inter College Sehr Basota, Tehsil Pallandri, District Sudhnooti.
256. Fakhra Farooq d/o Muhammad Farooq Student of 1st year Govt. Girls Inter College Sehr Basota, Tehsil Pallandri, District Sudhnooti.
257. Noseena Khanum d/o Hukam Dad Khan Student of 1st year Govt. Girls Inter College Sehr Basota, Tehsil Pallandri, District Sudhnooti.
258. Taiba Zarait d/o Muhammad Zarait Student of 1st year Govt. Girls Inter College Sehr Basota, Tehsil Pallandri, District Sudhnooti.
259. Asama Sajid d/o Muhammad Sajid Student of 1st year Govt. Girls Inter College Sehr Basota, Tehsil Pallandri, District Sudhnooti.
260. Faiza Noreen d/o Muhammad Anwar Student of 1st year Govt. Girls Inter College Sehr Basota, Tehsil Pallandri, District Sudhnooti.
261. Saima Akram d/o Muhammad Akram Student of 1st year Govt. Girls Inter College Sehr Basota, Tehsil Pallandri, District Sudhnooti.
262. Shareena Tabassum d/o Muhammad Hanif Khan Student of 1st year Govt. Girls Inter College Sehr Basota, Tehsil Pallandri, District Sudhnooti. (10 to 253 have been impleaded vide Court's order)

…. APPELLANTS

VERSUS

1. Azad Government of Jammu & Kashmir through its Chief Secretary, Civil Secretariat, Muzaffarabad.
2. Cabinet of Azad State of Jammu & Kashmir through Secretary Cabinet / Chief Secretary, Civil Secretariat, Muzaffarabad.
3. Cabinet Committee constituted vide Notification dated 02.09.2016 for revisiting Education Package 2015 through its Secretary / Secretary Higher Education, Civil Secretariat, Muzaffarabad.

4. Secretary Higher Education, Civil Secretariat, Muzaffarabad.
5. Secretary Elementary & Secondary Education, Civil Secretariat, Muzaffarabad.
6. Secretary Services & General Administration Department, Civil Secretariat, Muzaffarabad.
7. Secretary Finance, Civil Secretariat, Muzaffarabad.
8. Director Public Instructions, Elementary & Secondary Education, Civil Secretariat, Muzaffarabad.
9. Director Public Instructions, Higher Education, Civil Secretariat, Muzaffarabad.
10. Accountant General, Sathra Hills, Muzaffarabad.

…. RESPONDENTS

11. Legislative Assembly of Azad Jammu & Kashmir through its Speaker, Muzaffarabad.

….. PROFORMA RESPONDENT

(On appeal from the judgment of the High Court dated 16.12.2016 in Writ Petitions No. 2694, 2805 and 2867 of 2016)

FOR THE APPELLANTS:	Barrister Humayun Nawaz Khan and Sardar Abdul Hameed Khan, Advocates.
FOR THE RESPONDENTS:	Raja Muhammad Hanif Khan, Advocate.

2. Civil Appeal No. 22 of 2017
(PLA filed on 17.01.2017)

1. Azad Jammu & Kashmir Government through its Chief Secretary, Civil Secretariat, Muzaffarabad.
2. Secretary Services & General Administration Department, Muzaffarabad.
3. Secretary Finance, Muzaffarabad.
4. Secretary Higher Education, Muzaffarabad.
5. Secretary Elementary and Secondary Education, Muzaffarabad.
6. Cabinet of Azad Jammu and Kashmir through Cabinet Secretary i.e. Chief Secretary, Muzaffarabad.
7. Cabinet Committee through its Secretary i.e. Secretary Higher Education, Muzaffarabad.
8. Director Public Instructions Higher Education, Muzaffarabad.
9. Director Public Instruction Elementary and Secondary Education, Muzaffarabad.

…. APPELLANTS

VERSUS

1. Ch. Latif Akbar, Former Finance Minister, Muzaffarabad.
2. Muhammad Matloob Inqlabi, Former Minister for Higher Education, Muzaffarabad.
3. Mian Abdul Waheed, Former Minister for Elementary & Secondary Education, Muzaffarabad.
4. Imtiaz Husain s/o Zia-ud-Din r/o Kundal Shahi, District Neelum.
5. Muhammad Sadiq Aadil s/o Ghulam Murtaza r/o Kundal Shahi, District Neelum.
6. Bashir Hussain s/o Zia-ud-Din r/o Kundal Shahi, District Neelum.
7. Muhammad Sadiq s/o Saif-ud-Din r/o Kundal Shahi, District Neelum.

8. Altaf Husain s/o Saif-ud-Din r/o Kundal Shahi, District Neelum.
9. Ishaq Sheikh s/o Sabir Sheikh r/o Kundal Shahi, District Neelum.

…. RESPONDENTS

10. Accountant General, Azad Jammu and Kashmir, Muzaffarabad.
11. Legislative Assembly of Azad Jammu and Kashmir through its Speaker.

….. PROFORMA RESPONDENT

(On appeal from the judgment of the High Court dated 16.12.2016 in Writ Petitions No. 2694, 2805 and 2867 of 2016)

FOR THE APPELLANTS: Raja Muhammad Hanif Khan, Advocate.

FOR THE RESPONDENTS: Barrister Humayun Nawaz Khan, Advocate.

3. Cr. Original No. 01 of 2017
Cr. Misc. No. 02 of 2017
(Filed on 30.01.2017)

1. Ch. Latif Akbar, Former Finance Minister, Muzaffarabad.
2. Muhammad Matloob Inqlabi, Former Minister for Higher Education, Muzaffarabad.
3. Mian Abdul Waheed, Former Minister for Elementary & Secondary Education, Muzaffarabad.
4. Imtiaz Husain s/o Zia-ud-Din r/o Kundal Shahi, District Neelum.
5. Muhammad Sadiq Aadil s/o Ghulam Murtaza r/o Kundal Shahi, District Neelum.
6. Bashir Hussain s/o Zia-ud-Din r/o Kundal Shahi, District Neelum.

7. Muhammad Sadiq s/o Saif-ud-Din r/o Kundal Shahi, District Neelum.
8. Altaf Husain s/o Saif-ud-Din r/o Kundal Shahi, District Neelum.
9. Ishaq Sheikh s/o Sabir Sheikh r/o Kundal Shahi, District Neelum.

…. PETITIONERS

VERSUS

1. Shahid Mohi-ud-Din, Secretary Higher Education, Civil Secretariat, Muzaffarabad.
2. Prof. Dr. Zaheer Ahmed Chaudhary, Chairman, Azad Jammu and Kashmir Board of Intermediate and Secondary Education Mirpur.
3. Prof. Dr. Aslam Chaudhary, Controller of Examination (Colleges), Board of Intermediate and Secondary Education, Mirpur.
4. Muhammad Irshad Qureshi, Secretary Elementary & Secondary Education, Civil Secretariat, Muzaffarabad.
5. Qazi Ibrahim, DPI Colleges, Old Secretariat, Muzaffarabad.
6. Raja Roshan Johar, DPI Schools (Male), Muzaffarabad.
7. Khalida Parveen, DPI Schools (Female), Old Secretariat, Muzaffarabad.

….. RESPONDENTS

(Application for initiation of Contempt of Court proceedings)

(Application for interim relief)

FOR THE PETITIONERS: Barrister Humayun Nawaz Khan, Advocate.

FOR THE RESPONDENTS: Respondent No. 1 in person.

Date of hearing: 09.02.2017

JUDGMENT:

Ch. Muhammad Ibrahim Zia, J.— The titled appeals by leave of the Court have been directed against the judgment of the High Court dated 16.12.2016, whereby the separate writ petitions filed by the appellants, *Ch. Latif Akbar and others*, have been dismissed.

2. The facts leading to the instant litigation are that in pursuance of joint declaration dated 16.09.2011, a Committee was constituted vide notification dated 16.02.2012 and on its recommendations the National Education Policy, 2009 was adapted in the Azad Jammu and Kashmir with the name and style as "Kashmir Education Policy" (hereinafter to be referred as Education Policy) vide notification dated 31.12.2012. To achieve the desired targets of the Education Policy, the bulk of share in the funds was to be provided by the Federal Government but due to financial constraints, it was refused. The Government of Azad Jammu and

Kashmir imposed and enhanced the rates of some taxes vide AJ&K Finance Act, 2015 to achieve the said target from its own resources. The Secretary Elementary and Secondary Education (Schools) sent a proposal to the Finance Department for upgradation of different institutions and creation of new posts. The Finance Department agreed for creation of 1037 posts at school level and 437 posts at college level. On 16.11.2015, the Finance Department wrote a letter to the Secretary Higher Education that the Finance Division of Pakistan has not sanctioned for creation of new posts because the estimated target through imposed taxes could not be achieved. The Cabinet in its meeting held on 25.11.2015 (notified on 30.11.2015) considered the aforesaid letter of the Secretary Finance and while overruling the view of the Finance Department, directed the Secretary Elementary and Secondary Education as well as Secretary Higher Education to proceed further for implementation of the Education Policy. The institutions were upgraded, the posts were created and on 26.11.2015 the Secretaries Elementary and

Secondary Education and Higher Education also issued separate notifications in the light of their proposals. The decision of the Cabinet dated 25.11.2015 and the notifications issued on 26.11.2015 were challenged by *Muhammad Akhtar and others* by filing writ petition No. 303/2016 before the High Court which was dismissed on 31.03.2016. The judgment of the High Court was upheld by this Court vide judgment dated 20.05.2016.

3. After commencement of General Elections, 2016 the new political party formed its government. The Cabinet in its meeting held on 25.08.2016 decided to revisit the Education Policy. To implement the decision of the Cabinet vide notification dated 02.09.2016 a Committee was constituted to revisit the Education Pakage-2015 keeping in view the genuine requirements. The Committee had to submit its recommendations in the next Cabinet meeting. In the next meeting held on 06.10.2016, the Cabinet decided to stop the implementation of the Education Policy while approving the recommendations of sub-Committee. Thereafter, the notification dated

21.10.2016 was issued for implementation of the above decision of the Cabinet. The appellants No. 1 to 3 are renowned political workers and they have held the offices of Ministers during the period when the Education Policy was adapted and steps were taken for its implementation, whereas, appellants No.4 to 9 are the persons the children of whom were admitted in the upgraded institutions. The other appellants are the students admitted in upgraded Schools and Colleges. They filed three separate writ petitions in the High Court while challenging the Cabinet decisions dated 25.08.2016 and 06.10.2016. The notification dated 21.10.2016 was also challenged through amended writ petition. The learned High Court after necessary proceedings dismissed all the writ petitions while holding that the Government is empowered to frame any policy or take decision and also entitled to revisit the same in the public interest. The Government was also directed to take up each and every case separately and not in a rolled-up manner while revisiting the Education Policy. Both the

parties have challenged the legality and correctness of the impugned judgment of the High Court.

4. The titled contempt application has been filed for initiation of contempt of Court proceedings against *Shahid Mohi-ud-Din and others* for violation of status quo orders issued by this Court on 21.12.2016 and 10.01.2017.

5. Barrister Humayun Nawaz Khan, Advocate, the learned counsel for appellants No.1 to 9, Ch. Latif Akbar & others, stated detailed facts and past litigation history and specially referred to the previous judgment of this Court relating to the Education Policy and Education Package. According to his version the Government after following all the rules and regulations enforced the Education Package according to spirit of the Education Policy. He submitted that it is the basic duty of the Government to provide infrastructure and facilities for education, specially, in the remote areas. Keeping in view the public interest, the educational institutions were upgraded and other relevant steps were taken. The whole package in shape of budget demand was

placed before the Legislative Assembly (hereinafter to be referred as "Assembly"). The Assembly after detailed deliberation, keeping in view the Education Package, also approved the budget and the AJ&K Finance Act, 2015. The Budget book Volume-II (Part-IV) specially relates to the Education Package and contains the details of creation of posts, upgraded educational institutions etc. He submitted that the Education Package is not mere an administrative step rather it has been merged into the Budget passed by the Assembly, thus, it is an act of the Assembly. He further submitted that as a result of General Elections the political party who was previously in power has been changed and the new political party came into power. Merely on the political basis the Government is intended to roll-back the whole Education Policy against the public interest. Initially, the decision was taken in the Cabinet meeting. The committee was constituted vide notification dated 02.09.2016 to revisit the Education Package and submit its recommendations keeping in view the genuine requirements. It is amazing that the proceedings of

the Committee were not completed and next meeting was fixed for 21.12.2016. The respondents while ignoring their own taken steps without completion of the report of the Committee, once again considered the matter in the Cabinet meeting held on 06.10.2016 and took the decision thereof. The appellants and some other persons filed writ petitions against the illegal act of the Government. The learned High Court issued interim injunction on 17.10.2016, but despite this a notification for rolling back the whole Education Package was issued on 21.10.2016 which has was challenged through the amended writ petition. The learned High Court has not properly appreciated the important legal and factual propositions raised in the petitions, specially, the AJ&K Finance Act, 2015 and the budget passed by the Assembly. He further argued that the reliance placed by the learned High Court on section 21 of the General Clauses Act, 1897 is also against the enunciated principle of law as the Education Package was approved by the Assembly, therefore, the Government was not vested with the power to take

action under the garb of section 21 of General Clauses Act, 1897. According to the universally celebrated principle of law, once final decisive step has been taken the legal rights are accrued to the concerned and thereafter the powers under section 21 of the General Clauses Act, 1897 cannot be exercised. He further argued that the learned High Court has misconceived that it is mere a matter of policy making. No doubt the Government can formulate the policy but when a policy is placed before the Assembly, its features are approved in shape of Finance Act and Budget, thousands of students are admitted in the educational institutions, hundreds of civil servants of education department are appointed by promotion and posting and the legal rights are accrued in favour of such persons, thereafter it is no more a policy decision rather the same becomes constitutionally guaranteed fundamental and legal rights of thousands of state subjects. He referred to the cases reported as *Nazir Ahmad vs. Pakistan and others* [PLD 1970 SC 453], *Messrs. Radaka Corporation and others vs. Collector*

of Customs and another [1989 SCMR 353] and *Star Textile Mills Ltd. Vs. Pakistan and others* [1999 MLD 3001].

6. Sardar Abdul Hameed Khan, Advocate, the learned counsel representing the students and other appellants (Nos.10 to 262) while adopting the arguments of Barrister Huamyun Nawaz Khan, Advocate, further added that the steps taken by the Government are not only illegal but very harsh amounting to destroy the career of thousands of students. He submitted that it is well-known to everyone that in the Government schools/colleges only those students get admissions whose parents cannot afford the expenditures of education in the private institutions. Thousands of the students have got admission in the upgraded institutions but due to roll-back of the Education Package their career will be spoiled and their vested legal rights will be badly affected. In a civilized constitutional society, such powers are not vested in the Government. So far as the contention of the Government that alternate arrangements have been made, is concerned, it is

against reality. The children of the poor state subjects cannot afford boarding to study in the institutions situated far away from their residences. In fact, rolling back the Education Package is violation of the constitutionally guaranteed fundamental rights of such sourceless state subjects and their children. The impugned act taken by the respondents amounts to violation of the constitutional provisions as well as enforced law but the learned High Court has not properly considered all these aspects of the matter and far-reaching effects of the impugned act of the Government, thus, while accepting the appeal and modifying the impugned judgment of the High Court the relief prayed for by the petitioners in their writ petitions be granted in toto.

7. Both the learned counsel while opposing the appeal filed on behalf of the Azad Government and others submitted that without discussion on merits of the case, the appeal on the face of it is incompetent for non-arraying all the necessary parties. Through the impugned judgment the learned High Court has not only decided the writ petition No.2694/2016 but

two other writ petitions bearing Nos. 2805 filed by 176 petitioners and 2867 of 2016 filed by 93 petitioners, have also been decided. They are real aggrieved persons because due to enforcement of Education Package vested legal rights have been accrued in their favour but in the appeal filed by the Azad Government only the parties impleaded in writ petition No.2694/2016 have been arrayed. According to the celebrated principle of law no one can be condemned unheard. Through the impugned judgment the learned High Court granted partial relief to the petitioners (in writ petitions Nos.2805 and 2867 of 2016) but they have not been arrayed as parties, thus, the appeal filed on behalf of the Azad Government is not maintainable on this sole ground and is liable to be dismissed.

8. Conversely, Raja Muhammad Hanif Khan, Advocate, the learned counsel for the official respondents in appeal No. 7/2017 and for the appellants in appeal No.22/2017 admitted that in the appeal filed by the Azad Government only the parties impleaded in writ petition No.2649/2016 have been

arrayed, whereas, the petitioners of other two writ petitions have not been arrayed. According to his version it makes no difference and despite this the appeal is maintainable as all the writ petitions have been disposed of through single consolidated judgment, thus, the decision in one writ petition will be deemed the decision in other petitions also. However, if for the sake of arguments the appeal of the Azad Government is not found competent even then the Azad Government has right to defend the appeal filed against it.

9. The learned counsel for the Azad Government, Raja Muhammad Hanif Khan, Advocate, raised objection regarding the competency of writ petition as well as appeal filed before this Court by the appellants, Ch. Latif Akbar and others, on the ground that the appellants are not aggrieved person and they have got no locus standi to file writ petition or appeal before this Court. The writ petition was also not maintainable due to non-compliance of mandatory provisions of Rule 32(2) of the Azad Jammu and Kashmir High Court (Procedure) Rules,

1984 as the petitioners, therein, failed to furnish the certified copies of the impugned orders therein. He submitted that the latest full Court judgment on this proposition has been delivered in the case reported as *Tanveer Fatima vs. Divisional Director Schools & others* [2016 SCR 714], thus, the findings of the High Court on these two points are also against law.

10. While arguing on merits, he discussed the detailed history of the case and referred to the notification dated 31.12.2012 through which the National Education Policy has been adapted in the Azad Jammu and Kashmir. He submitted that according to the Education Policy the steps have to be taken priority-wise and the top priority is the strengthening of existing educational institutions. The Government on the basis of report of the Committee, after detailed deliberation, has taken the steps in the public interest. He submitted that no doubt, according to the constitutional provisions the ultimate authority lies with the Assembly. Actually, all the steps taken by the Government are pre-requisite for laying the matter before the Assembly for its final decision

under the provisions of section 38 of the Azad Jammu and Kashmir Interim Constitution Act, 1974. The matter shall ultimately be finalized by the Assembly. The impugned steps were necessary in this regard, therefore, no violation of law has been committed by the Government. According to the statutory provisions, the formulation of the policy and creation of institutions is the prerogative of the Government. In this regard, the High Court has righty observed that the matter of furnishing of policy falls within the domain of the Government and no interference is permissible. The grievance of the Government is only for quashment of the direction issued by the the learned High Court in the impugned judgment. While justifying the steps taken by the Government he also referred to the documents containing the details of the upgraded institutions, shortcoming of the building and staff in the already established institutions, the number of students etc. He also referred to the list of the institutions and submitted that in case of rolling back of Education Package, the students will alternatively be accommodated without charging any

additional fee. He submitted that the appeal filed against the Government is not competent, therefore, the same be dismissed with costs while quashing the direction issued by the High Court in the impugned judgment.

11. We have heard the learned counsel for the parties and examined the record made available. First of all we would like to determine the question of maintainability of appeal titled *Azad Govt. & others vs. Ch. Latif Akbar and others* (C. Appeal No. 22/2017). The relief prayed for by the appellants is very relevant in this context which reads as follows:-

> "It is therefore, most respectfully submitted that Petition for Leave to Appeal may kindly be granted and by converting the same into an Appeal, the Judgment of the High Court dated 16.12.2016 may kindly be modified/vacated to the extent that the Respondent were not agggrived persons in the eye of law and that while filing the Writ Petition the Respondents have violated the mandatory provisions of Rule 32(2) of High Court Procedure Rules and that the direction issued by the High Court was beyond the scope of the jurisdictional competence of the High Court. Any other relief admissible under law may also be granted."

Through the impugned judgment the learned High Court jointly decided three writ petitions bearing Nos.2694, 2805 and 2867 of 2016. The appellants, Azad Govt. & others, have only challenged the impugned judgment to the extent of writ petition No.2694 titled *Ch. Latif Akbar and others vs. Azad Govt. & others.* They failed to array the persons who were petitioners before the High Court in the other two writ petitions. Most of them are students who have got admission in the institutions established under the Education Package and some of them are the parents of the students, thus, they are the beneficiaries of the Education Package. If for the sake of arguments the writ petition No.2694/2016 is presumed incompetent even then the impugned judgment will hold field because the other two writ petitions have been decided through the same judgment. The appellants have not arrayed the petitioners of other two writ petitions who are beneficiaries of the Education Package as well as the impugned judgment which cannot be reversed in

absence of such necessary parties. The objection raised by the counsel for the respondents prevails and it is held that in view of the peculiar facts and circumstances of the case and the nature of the impugned judgment the appeal titled *Azad Govt. & others vs. Ch. Latif Akbar and others* (C. Appeal No.22/2017) being not maintainable, is dismissed.

12. Now, we would like to attend the objection raised by Raja Muhammad Hanif Khan, Advocate, the learned counsel for the Government regarding non-compliance of mandatory provisions of Rule 32(2) of the Azad Jammu and Kashmir High Court (Procedure) Rules, 1984. According to his version the petitioners failed to furnish the required certified copies of the impugned orders, hence, the writ petition was not maintainable. In this regard he placed reliance on the case reported as *Tanveer Fatima vs. Divisional Director Schools & others* [2016 SCR 714] and submitted that it is the latest full Court judgment on the subject. When he was confronted whether the documents attached with the writ petition are forged or their contents are denied by the respondents, he

replied that neither the documents are forged nor their contents have been denied, however, due to non-compliance of mandatory provisions of Rule 32(2) of the High Court Procedure Rules the writ petitions are not maintainable. No doubt under the provisions of Rule 32(2) of the High Court Procedure Rules furnishing of certified copies of the impugned order is required but there are some exceptions to this rule. This Court has enunciated the principle of law that when the documents are admitted by the other side, the requirement of furnishing the certified copies is no more required. This proposition came under consideration in a full Court judgment titled *Messrs. Friends Technical Engineering & others vs. Barrister Iftikhar Gillani and others* (Civil Appeal No. 305/2014 decided on 18.04.2016), wherein it has been held as follows:-

> "6. While attending the other objection regarding non-annexing of certified copies of the documents along with the writ petitions, it may be stated that the documents annexed with the writ petitions are admitted by the other party and it is settled principle of law that the documents once admitted by a party cannot be

objected later on by the passage of time. The appellants, herein, in the High Court have admitted the documents relied upon by the respondents, herein, and no objection whatsoever was raised by them, therefore, in such scenario, we are of the view that no violation of rule 32(2) of the High Court Procedure Rules, 1984 was made. Same like proposition came under consideration of this Court in a case reported as *Shahida Khadim v. Secretary Education AJ&K and 5 others* [2002 SCR 315], wherein this Court has observed as under:-

> '9. The High Court mainly dismissed the writ petition filed by the appellant on the ground that only photostat copies of documents have been placed on record by the appellant and even the attested copy of appointment order of respondent No.3 was not placed on record by the appellant. To substantiate the above contention the learned counsel for respondent No.3, Ch. Muhammad Riaz Alam, submitted that under rule 32(2) of the AJ&K High Court Procedure Rules, 1984, it has been provided as under:-
>
> > 'The application shall set out the name and description of the applicant, the exact nature of the relief sought and the ground on which it is sought and shall be accompanied by an affidavit verifying the facts relied on, a certified copy of the impugned order and at least two copies thereof including annexures, if any, in addition to separate copy for each one of the respondents. The annexures accompanying the petition shall be marked

> numerically in red ink by the petitioner and the petition shall be properly indexed.
>
> The above contention raised by the learned counsel for respondent No.3 is correct that the copy of the impugned order as provided under the High Court Procedure Rules must be attached but the position is totally different when the averments made by the appellant and the documents relied upon by her are admitted from the opposite side. In the instant case the appellant's assertion that she stood first in the test and interview in accordance with the merit list stands admitted by the respondents. Similarly after the appointment of appellant, the appointment of respondent No.3 also stands admitted by the respondents. In such a situation it was not necessary on the part of the appellant to attach with the writ petition the attested copies of the documents especially so when the some were admitted by the respondents."

Same like, this principle has also been followed in another case titled Muhammad Riaz Chohan vs. Malik Abdul Rehman and others (Civil Appeal No. 274/2014 decided on 28.10.2016). In another latest judgment delivered in the case titled *Imtiaz Ahmed and another vs. Senior Superintendent Police and others* (Civil Appeal No. 85 of 2016 decided on 22.12.2016) this proposition has been

considered from another angle that such requirement must be determined at the time of filing the writ petition before its admission for regular hearing and once the writ petition is admitted for regular hearing and notices are issued to the other parties, thereafter, Rule 38 of High Court Procedure Rules comes into operation which empowers the High Court to pass any order as deemed fit or follow such procedure as may appear to it to be just. The relevant part of the said judgment reads as follows:-

> "5. According to the scheme of Rules, 1984 the proceedings in the writ petition have to be conducted gradually and step-wise. It appears that the requirement of furnishing certified copy under Rule 32(2) relates to the stage of presentation of the writ petition and once in writ petition the notices are issued to the parties and thereafter the writ petition is admitted for regular hearing, the matter of furnishing certified copy is over. Thereafter, Rule 38 comes into operation which empowers the High Court to pass any order as deemed fit or follow such procedure as may appear to it to be just. In this case, although the certified copy was not furnished by the petitioners but neither at the stage of presentation of writ petition this deficiency was pointed out nor the learned Judge at two stages i.e., at the time of issuing notices for pre-admission comments and at the time of admission of writ petition for regular hearing,

> dismissed the writ petition on this ground. Thereafter, when the authenticity of the document was admitted by the respondents and the certified copy of the impugned FIR was also available, dismissal of writ petition on this sole ground does not appear to be just. Under Rule 38, keeping in view the important role of the High Court in relation to writ jurisdiction the High Court is not chained with strict rules rather it is empowered to liberally adopt or follow the procedure for determination of questions on such other evidence and in such manner as may appear to it to be just. The basic purpose is to exercise the powers for ends of justice and not technically knocking out the party which may result into miscarriage of justice."

So far as the principle of law laid down in the case reported as *Tanveer Fatima vs. Divisional Director Schools & others* [2016 SCR 714], is concerned, it has been misconstrued by the counsel for the respondents as the case basically relates to the Azad Jammu and Kashmir Service Tribunal (Procedure) Rules, 1977. Even in that judgment the previous opinion of the Court regarding dismissal of the appeals due to non-furnishing of certified copies of the impugned orders has been reviewed and exceptions and conditions for dismissal of appeals on this ground have been mentioned. In this case the

impugned documents are the Government notifications which have been admitted and also relied upon by the respondents, thus, in this state of affairs the objection being weightless stands repelled.

13. So far as the other objection regarding the status of petitioners in writ petition No.2694/2016, is concerned, in our considered view after submission of the written statement by the respondents before the High Court this proposition requires no further deliberation. In view of the averments made in the preliminary objection (C) the petitioners (therein) appear to be aggrieved parties because the respondents have themselves mentioned the interest of the petitioners relating to the subject-matter and also discussed the conduct of the petitioners. Even otherwise, after dismissal of the appeal filed by the Azad Government, it remains mere academic discussion as the other appellants (petitioners in other two writ petitions) are beneficiaries of the Education Package and they are aggrieved persons by all means, thus, mere for mere academic discussion no deliberation on this point is required.

14. Now, we would like to attend the arguments of the learned counsel for the appellants who stressed for grant of prayed relief in toto. The prayed clause of their appeal is reproduced as follows:-

> "Therefore, it is prayed that leave to appeal may kindly be granted against judgment dated 16.12.2016, passed by Honourable High Court in Writ Petition No.2694/2016 and by converting the same into a regular appeal, the judgment dated 16.12.2016 passed by the Honorable High Court in Writ Petition No.2694/2016 and in connected writ petitions No. 2805/2016 and 2867/2016 may kindly be set aside by declaring same as illegal and consequently writ petition No.2694/2016 before High Court be accepted, in the best interest of justice. Any other relief for which the petitioners are entitled may also be granted.

15. For resolution of this proposition the appreciation of the background of issue will be beneficial. According to the averments and pleadings of the parties and record, the Education Package was approved by the Government and consequently for its implementation the Legislative Assembly has provided the budget. The upgraded institutions and the created posts have been approved initially in the

Budget for the year 2015-16 and for current year 2016-17. According to the scheme of law, the Budget is the statement of estimated receipts and expenditure approved by the Assembly, thus, the argument advanced on behalf of the Government that for implementation of the Education Package there is shortage of funds, cannot be accepted in presence of the Budget approved by the Assembly for the year 2016-17. The examination of the record reveals that after commencement of the General Elections and formation of new Government, for taking policy decision, the cabinet constituted a committee for determination of genuine requirements of the Education Package. It appears that the committee partially considered the matter and for further consideration the next meeting was to be held on 21.12.2016, however, before that the matter was once again considered by the Cabinet and the decisions (notified vide notification dated 06.10.2016) have been taken. It appears that the Committee has not completed its task. Moreover, the mandate of the Committee to determine the genuine requirements

also requires case to case examination. No doubt it is the prerogative of the Government to take administrative steps and formulate the policy but while formulating the policy the Government cannot ignore the public interest and rights accrued to the state subjects or beneficiaries of any enforced policy. The authority of the Government to shift the posts, establish the institutions, organize the departments or reorganize the same is provided under the Statute. In this regard this Court has already enunciated the principle of law in the case reported as *Muhammad Akhtar and others vs. Azad Govt. & others* [2016 SCR 853] that the Courts are not supposed to interfere in the domain of other institutions. However, as in this case it is argued on behalf of the Government that the steps taken are preparatory to lay down the matter before the Assembly for decision and supplementary budget under the provisions of section 38 of the Azad Jammu and Kashmir Interim Constitution Act, 1974. In this regard this Court has also observed in *Akhtar Hussain's* case (supra) as follows:-

"..... The bare reading of this statutory provision clearly speaks that the Government shall have power to authorize expenditure from the Azad Jammu and Kashmir Consolidated Fund and shall cause to be laid before the Assembly a Budget or, as the case may be, and excess Budget, setting the amount of that expenditure. Thus, it is clear that the matters of expending amount from Consolidated Fund to meet the insufficiency of the allocated funds or providing some new service not included in the Annual Budget, subject to the condition that the expenditure shall be laid before the Assembly as a Budget; fall within the domain of the Government. Even otherwise, according to the constitutional spirit, specially, sub-section (3) of section 12 of Act, 1974, the Government consists of Prime Minister and the Ministers who are collectively responsible to the Assembly. The Constitution clearly provides more effective representative exalted forum to attend all the issues and take necessary steps to make the decisions.

10. Under the trichotomy of powers and Constitutional scheme, the Courts are not supposed to interfere in the domain of other institutions or authorities unless they travel beyond their constitutional or legal domain. As in the instant case, the issues raised in the writ petition clearly within fall the domain of the Government and Legislative Assembly, thus the Courts cannot

> pre-empt or interfere in their domain.”

No doubt under the provisions of section 12 of the Interim Constitution Act, 1974 the executive authority of the Azad Jammu and Kashmir shall be exercised in the name of the President by the Government, consisting of the Prime Minister and Ministers but there is no provision that any matter which falls within the domain of Executive or Government, cannot be laid down before the Assembly. Under the provisions of sub section (3) of section 12 of the Interim Constitution Act, 1974 the Prime Minister and the Ministers are collectively responsible to the Assembly. As the Government itself has opted for laying down the matter before the Assembly, thus, in this state of affairs it becomes irrelevant to ponder over the propositions argued and raised on both sides. According to the constitutional scheme the Government is answerable before the Assembly and the Assembly is vested with the powers to approve or disapprove any policy or make laws etc. subject to constitutionally provided limitations.

16. The appellants have seriously objected to the proceedings of the Committee (constituted vide notification dated 02.09.2016), whereas, the respondents also relied upon the report of the Committee to justify their acts. The report of the Committee is an admitted document, the examination of which reveals that on behalf of the respondents the matter has been dealt with in a hasty manner. According to this report the second meeting of the Committee was held on 08.09.2016, whereas, the first meeting was held on 31.08.2016 and the next meeting was to be held 21.12.2016. According to the record, the said Committee was constituted vide notification dated 02.09.2016 but amazingly, as mentioned in the report, its meeting was held prior to its constitution i.e. on 31.08.2016. It has been mentioned in paragraph 2 of the report as follows:-

> "جناب وزیر ایلمنٹری اینڈ سیکنڈری و ہائر ایجوکیشن نے ممبران کمیٹی کو بتایا کے پہلے اجلاس منعقدہ 31-08-2016میں فیصلہ کیا گیا تھا کہ تعلیمی پیکج کے تحت قائم شدہ ادارہ جات میں آسامیوں کی تخلیق، مکانیت اور طلباء کی تعداد کی نسبت جامع رپورٹ مرتب کرتے ہوئے کمیٹی کو پیش کی جائے۔ دوران اجلاس محکمہ ایلیمنٹری و سکینڈری و ہائر ایجوکیشن نے مطلوبہ رپورٹ /اعداد و شمار کمیٹی کے سامنے پیش کئے"

According to the report the Committee has taken the following decision:

"1۔ سیکرٹری ایلیمنٹری اینڈ سیکنڈری ایجوکیشن اور سیکرٹری ہائیر ایجوکیشن پہلے سے قائم شدہ اداروں اور تعلیمی پیکج کے تحت قائم اداروں میں سٹاف کی موجودہ اپوزیشن اور مزید کم از کم ضرورت کے مطابق تدریسی و انتظامی آسامیوں کی الگ الگ تفصیل مرتب کر کے محکمہ مالیات کو ارسال کرتے ہوئے مطلوبہ فنڈرز ڈیمانڈ کئے جائیں۔

2۔ محکمہ مالیات پہلے سے قائم شدہ اداروں اور تعلیمی پیکج کے تحت قائم اداروں کے لیے کم از کم ضروت کے لئے مطابق تخمینہ مالی وسائل فراہم کئے جانے کی نسبت اپنی رپورٹ کمیٹی کے آئندہ اجلاس میں پیش کرے۔

3۔ محکمہ مالیات ایجوکیشن سیس اور پراپرٹی ٹیکس سے حاصل ہونے والی سالانہ آمدن کا تخمینہ بھی کمیٹی کے آئندہ اجلاس میں پیش کرے۔

4۔ چونکہ مڈل / ہائی / ہائیر سیکنڈری سکولز، انٹر / ماڈل سائنس کالجز اور ڈگری کالجز کے لئے کم از کم سٹاف (تدریسی و غیر تدریسی) کا کوئی معیار باقاعدہ طور پر منظور شدہ نہ ہے اس لئےاجلاس میں فیصلہ کیا گیا کہ نئے تعلیمی ادارہ جات کے قیام کے لئے تدریسی و غیر تدریسی سٹاف کی ضرورت کا جائزہ لیا جائے اور کم از کم مطلوبہ سٹاف کا معیار مقرر کیئے جانے کی حکومتی منظوری حاصل کی جائے۔

5۔ کمیٹی کا آئندہ اجلاس 21 دسمبر 2016 کو منعقد ہوگا۔"

It is clearly proved that the Committee has not completed its task and the next meeting was fixed to be held on 21.12.2016. Thus, it appears that without completion of process and final report of the Committee the matter was considered by the Cabinet in its meeting held on 06.10.2016 and the final steps have been notified vide notification dated 21.10.2016. According to the respondents' own produced and relied record it is proved that on one

hand the meeting of the Committee was held prior to its constitution and on the other hand the Committee has not completed its task and fixed the next meeting for 21.12.2016 but despite this the Cabinet has taken the decision and in furtherance of same issued notification dated 21.10.2016 which appears to be complete roll-back of the Education Package. The manner adopted by the Government does not appear to be proper, legal and in accordance with the principle of good governance. When the Committee was constituted, the Cabinet should have wait till final recommendations of the Committee. Be that as it may, as the counsel for the respondents has repeatedly argued that these steps are not final rather just pre-requirements to lay the matter before the Assembly for approval of the policy and supplementary budget according to the provisions of section 38 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, thus, no further deliberation is required in this context.

17. In the light of above stated background and reasons we have no hesitation in holding that without completion of the mandate of the constituted Committee the decision taken in the Cabinet meeting held on 06.10.2016 and the notification issued on 21.10.2016 is not a proper course. As the Government has opted for laying the matter before the Assembly, therefore, the whole issue has to be attended and decided by the Assembly. In this background, the notification dated 21.10.2016 is declared ineffective and inoperative.

18. With the above decision the appeal titled *Ch. Latif Akbar & others vs. Azad Govt. & others* (Civil Appeal No. 07/17) stands disposed of.

So far as the matter of contempt proceedings is concerned, as this Court has already issued a direction to the respondents for taking necessary steps to ensure that none of the students who have been admitted in the upgraded institutions of Education Package be deprived of participation in the examination. As the appeals have been decided with the result of declaring the notification dated

21.10.2016 as ineffective and inoperative, therefore, while re-affirming the already issued direction the concerned are further directed to ensure compliance of the Court's direction in letter and spirit.

JUDGE CHIEF JUSTICE JUDGE

Muzaffarabad,
20.02.2017