

REGISTERED



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT
31-Sher Shah Block New Garden Town, Lahore
Dated Lahore, the 31 July, 2026

ORDER

No. LO(Writ)27-10/2026. WHEREAS, Muhammad Usman Javed S/o Javed Akhtar (Late, Ex-Assistant), R/o Basti Sikandar, Post Office Basti Haji Wali, District Bahawalpur filed Writ Petition No. 3485 of 2026 before Hon'ble Lahore High Court, Bahawalpur Bench, Bahawalpur. The Hon'ble Court, while disposing of Writ Petition vide order dated 15.06.2026, passed the following directions:

"In view of the above, respondent No.1 is directed to decide the application of petitioner, available at Page 12 as Annexure-F to this petition, if pending and not already decided, either himself or through any of his authorized delegatee, in the light of law laid down by the Federal Constitutional Court of Pakistan in case of Muhammad Rizwan supra, through a speaking order expeditiously, preferably within a period of thirty (30) days commencing from the date of receipt of certified copy of this order."

2. **AND WHEREAS,** in compliance with the aforesaid directions, notice of personal hearing was issued to the petitioner, who appeared before the undersigned on 16.07.2026. The petitioner was afforded full opportunity to present his case. His submissions were heard patiently, the entire departmental record was examined, and the order of the Hon'ble Lahore High Court as well as the law declared by the Federal Constitutional Court in *The Province of Sindh v. Muhammad Rizwan and others* were carefully considered before proceeding to determine the matter.

3. **AND WHEREAS,** after hearing the petitioner, it is noted that the controversy relates to the petitioner's claim for appointment under the erstwhile Rule 17-A of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 against the post of Junior Clerk, on account of the death of his father during service.

4. **AND WHEREAS,** before examining the merits of the petitioner's claim, it is imperative to determine whether Secretary Special Education / Respondent No. 1 possesses the legal competence to adjudicate the matter. Jurisdiction is the foundation of every lawful administrative decision. An authority acting beyond the limits of the powers conferred upon it by law renders its decision vulnerable for want of jurisdiction, irrespective of the merits of the case.

5. **AND WHEREAS,** The Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 clearly envisage that appointments are to be made by the authority designated as the Appointing Authority under the relevant statutory framework. In respect of posts falling in the category of Junior Clerk, as per Special Education Department (Directorate General of Special Education) Service Rules, 2021, the appointing authority is not the Secretary, Special Education Department, but the authority empowered under the applicable Service Rules, 2021 is Director General, Special Education, Punjab, Lahore. The statutory scheme neither confers original jurisdiction upon the Secretary to make appointments to the said post nor authorizes the Secretary to determine claims which are exclusively required to be considered by the competent appointing authority.

6. **AND WHEREAS**, it is a settled principle that jurisdiction is conferred exclusively by statute and not by consent, acquiescence, administrative convenience or judicial direction unless the statute itself so permits. Equally well settled is the principle that an authority cannot assume jurisdiction merely because a matter has been placed before it. Any order passed by an authority lacking statutory competence is *coram non judice* and without lawful effect.

7. **AND WHEREAS**, since the petitioner's claim pertains to appointment against the post of Junior Clerk, and the authority legally competent to examine eligibility, determine entitlement, scrutinize fulfillment of the applicable conditions, and pass an enforceable order is the Director General, Special Education, Punjab, Lahore, it would neither be lawful nor appropriate for Secretary Special Education to render findings on the merits of the claim. Any adjudication on merits by an authority lacking jurisdiction would defeat the very object of lawful administrative decision-making.

8. **AND WHEREAS**, consequently, while complying with the directions of the Hon'ble Lahore High Court and after affording the petitioner an opportunity of personal hearing, this matter is remitted and transmitted to the Director General, Special Education, Punjab, Lahore, being the competent appointing authority under the applicable statutory framework. The Director General shall examine and decide the petitioner's pending claim strictly in accordance with law, after considering all relevant facts, the applicable service rules, and the law declared by the Federal Constitutional Court regarding the accrued rights under erstwhile Rule 17-A, by means of a reasoned and speaking order, preferably within the timeframe stipulated by the Hon'ble Lahore High Court or, if the same has expired, with utmost expedition.

8. **NOW, THEREFORE**, the proceedings before the undersigned stand **disposed of** by remanding the matter to the Director General, Special Education, Punjab, Lahore, who, being the competent appointing authority, shall decide the petitioner's claim independently, strictly in accordance with law, without being influenced by any observation contained herein except those relating to the issue of jurisdiction. The order dated 15.06.2026 passed by Hon'ble Lahore High Court in Writ Petition No. 3485/2026 stand complied with in above stated terms.

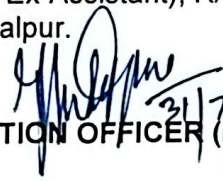

(SHOAIB IQBAL SYED)
SECRETARY

SPECIAL EDUCATION DEPARTMENT

No. & Date Even:-

A copy is forwarded for information and necessary action to:

1. The Director General Special Education, Punjab, Lahore.
2. Director (Admn), Directorate General of Special Education, Punjab, Lahore.
3. The District Education Officer (Special Education), Bahawalpur.
4. **Muhammad Usman Javed** S/o Javed Akhtar (Late, Ex-Assistant), R/o Basti Sikandar, Post Office Basti Haji Wali, District Bahawalpur.
5. PS to Secretary, Special Education Department.


SECTION OFFICER (ESTT4)