

RESEARCH ARTICLE

Why Executive doesn't Comply Judicial Orders? A Case Study of Muhammad Arif's Case in the Education Department in Khyber Pakhtunkhwa

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Abstract: Executive non-compliance with judicial decisions poses a significant challenge to democratic governance and the rule of law. This research examines this phenomenon within the context of Pakistan's education sector, focusing on the Khyber Pakhtunkhwa (KP) Elementary and Secondary Education Department (E&SED). A qualitative case study of a protracted promotion dispute involving a DPE (Director of Physical Education), Muhammad Arif, analyzes how formal E&SED promotion procedures were subverted by informal practices and the influence of powerful interest groups, leveraging a biased DPE in a management position. A neo-institutional framework is employed to demonstrate how institutional decoupling and informal power dynamics within the E&SED shaped the response to the court's decision. The analysis explores the primary institutional and procedural factors contributing to the non-implementation of judicial decisions and examines how accountability structures, or their absence, impacted compliance. The findings reveal that non-compliance stemmed primarily from an interest group's strategic actions, facilitated by a biased DPE in a management position who manipulated documents and court responses to serve his own interests and those of junior officers within that group. This highlights the limitations of formal oversight mechanisms and underscores the urgent need for reforms to enhance transparency and accountability within the KP E&SED to strengthen the rule of law and improve educational equity.

Keywords: Judicial Orders, Muhammad Arif's Case, Education Department, Khyber Pakhtunkhwa, Law

Introduction

In a functioning democracy, the judiciary interprets and applies the law, acting as a crucial check on executive power. The executive branch is responsible for implementing and enforcing laws and policies. Their effective interaction—characterized by mutual respect and recognition of each other's authority is essential for effective governance. However, when the executive branch fails to comply with judicial decisions, this balance is disrupted, undermining the rule of law and eroding public trust. This problem is particularly acute in developing countries, where weak institutions and political interference can exacerbate these issues.

Executive non-compliance has severe consequences. It undermines the power of the judiciary, demoralizes public trust in the integrity of the justice system, and denies the citizens of lawful rights and entitlements. It also creates a dangerous precedent, so set that future disrespect for court rulings could become a way of life (Huntington, 1968; Helmke & Levitsky, 2004). Consequently, the cumulative impact can severely undermine the legitimacy of the government and destabilize the broader political system. Such noncompliance has profound implications for the erosion of public trust in state institutions at a time when democratic governance and the rule of law are the most important aspects of any society. This erosion of trust does not emanate from mere alienation, from simple dissatisfaction, but from a loss of trust that can reach the point of diminished political participation, social unrest, and a weakness for the state in governing effectively.

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Executive non-compliance with court orders in Pakistan's education sector is a long-standing and pervasive issue, impacting both students and teachers. A landmark 1994 Supreme Court case mandated free and compulsory education for all children aged 5–16, a constitutional right. Yet, over two decades later, millions of children remain without access to education (Siddiqui & Gorard, [2017](#)). The Sindh High Court subsequently directed the provincial government to increase education spending and improve school infrastructure and teacher recruitment; however, these directives largely went unheeded. The Lahore High Court similarly mandated a regulatory framework for private schools, but the government's reluctance to enforce this has led to minimal accountability within that sector. The Peshawar High Court also ordered measures to protect transgender students and address the shortage of girls' schools, but these directives have also been largely ignored (Peshawar High Court, 2020).

Court orders related to teacher issues in Pakistan have also faced significant non-compliance. A High Court order to fill the vacant teaching positions in 2015 was not fully implemented by the provincial government in Khyber Pakhtunkhwa (Muhammad Shafiq & others V/S Govt of KPK). Similarly, the Punjab government did not follow all of the Lahore High Court orders to regularize the services of contract teachers and since then, the teaching community has been left insecure about their job and exploited (Lahore High Court's orders, 2018). However, the Supreme Court's order to implement the 7th pay scale for teachers has given much less time to be put into implementation by the Sindh government, despite their correct entitlements (Alif Ailaan v Federation of Pakistan). Provincial education departments (Lahore High Court's ruling, 2016), and even court rulings granting school principals more freedom, have been treated as though they were unheard of. Also beyond these specific instances, numerous cases of non-payment of salaries and benefits and other employment-related grievances, clearly demonstrate the extent to which noncompliance by the executives undermines the right and well-being of the teachers (Siddiqui & Gorard, [2017](#); Khushik & Diemer [2020](#)). This consistent pattern of non-compliance also invalidates the rule of law, institutes systemic inequities, and perpetuates a culture of impunity within the education sector. Pakistan's education is in a crisis state due to an enduring chronic governance failure exemplified by the government's continued failure to comply with court orders. This breach of compliance comes in many different ways, affecting both students and teachers in horrible ways. Of millions of children, the basic constitutional right of free and compulsory education is being denied. Concordantly, teachers across this country experience significant exploitation, as they receive low pay, and are insecure in their jobs with little professional development opportunity, which affects morale and thus the quality of education they are able to provide. These systemic issues addressed by court orders, such as increased spending on education, improvised infrastructure, and fair compensation for school teachers have been largely ignored. This non-compliance, for which there is no accountability, has created an impunity culture, whereby the government can disobey legal orders and get away with it. This further erosion of public confidence in the government's dedication to education and the veracity of the system makes our students even more vulnerable. These failures compound and contribute to a lost generation and a stagnant, inequitable education system that threatens the nation's future and fails to break a cycle of inequality. Therefore, the education sector in Pakistan urgently and comprehensively needs reform efforts to rebuild public confidence and establish accountability mechanisms and the rule of law in the sector.

This broader crisis is well illustrated by the case of Muhammad Arif in the KP E&SED. Arif, who is a qualified DPE, has challenged KP E&SED's failure to give his promotion to BS-17, on the basis of official policy. In 2010, the Service Tribunal ruled in his favor and ordered that he be given the promotion with retroactive effect from November 13, 2007, after the government notification of November 13 2007 fixing the criteria for this up gradation. For some sometime the decision represented a clear legal mandate. Nevertheless, the E&SED ignored this judgment, causing protracted proceedings full of delays, the submission of misleading reports, and the drawing up of a spate of seniority lists that continually disregarded Arif's legally prescribed seniority. This ongoing resistance to the court's decision that continues, despite several efforts at remediation

along different points, is damaging to the principle of the rule of law and points to the systemic difficulties of making judicial decisions comply and be carried out fairly and effectively in the KP E&SED.

The case of Muhammad Arif, studied in some detail in Chapter 6, can be viewed as a microcosm of the problem of executive non-compliance in Pakistan's education sector. His whole struggle for a just promotion, even after a court ruling apparently favored him, is emblematic of the insurmountable hills that have been placed on the way for him. Frustration was the mark of the failed efforts to comply with court mandates and the often unsuccessful legal remedy approaches, all causing financial hardship and lost opportunities. In this case study, the complex interplay of formal rules and informal power dynamics within the KP E&SED will be unpacked through a neo-institutional lens to understand how formal rules and informal power dynamics played a role in this outcome. The analysis will show precisely how those informal processes and pressures repeatedly set up the court's decision, in the very crudest terms, to fail, and unlock what explains non-compliance mechanisms.

Case Study Analysis: Executive Non-Compliance within the KP E&SED

This chapter presents a detailed analysis of Muhammad Arif's case, examining how the interplay of formal rules, informal norms, and interest group influence within the KP Elementary and Secondary Education Department (E&SED) led to the non-implementation of a court order mandating his promotion. This analysis will use a neo-institutionalist framework, emphasizing the concepts of decoupling and informal power dynamics, to provide a nuanced understanding of the mechanisms driving non-compliance in this specific instance. The analysis unfolds in several distinct steps, beginning with establishing the relevant context and setting, followed by a detailed chronological examination of Arif's case, integrating information derived from thematic analysis and court documentation, and then discussing how various formal and informal processes, norms, and influence exerted from specific actors within this context were instrumental in producing this case of deliberate and pervasive non-compliance. The analysis concludes with a synthesis of findings, consistent with a Neo-institutionalist theoretical framework, to justify the explanations offered and ultimately support the conclusions reached throughout this research.

Background: The KP E&SED, Promotion Procedures, and the Context of Arif's Case

This section provides the context for analyzing Arif's case, focusing on the KP E&SED's structure, promotion procedures, and the legal framework for redress. The analysis will emphasize how these factors created an environment conducive to non-compliance with court orders and will use a neo-institutionalist lens to interpret this context.

The KP E&SED: A Complex Organizational Structure

The KP Elementary and Secondary Education Department (E&SED) is a large, complex organization with a hierarchical structure encompassing both the Secretariat and Directorate components. This dual structure creates multiple points where decisions about promotions can be influenced and where compliance with policies can be hindered, potentially creating conditions ripe for non-compliance. The existence of a formally constituted interest group, exerting pressure on those responsible for promotion decisions, further complicates this environment. The inherent complexities and potential for manipulation within this organizational structure are critical to understanding the non-compliance observed in Arif's case and will be examined further in subsequent sections of the analysis using a Neo-institutional framework, highlighting the interplay between formal rules and informal practices.

Promotion Procedures within the KP E&SED: Opacity and Subjectivity

Formal promotion procedures within the KP E&SED are governed by government regulations, internal guidelines, and departmental policies. However, these procedures are often opaque and open to subjective

interpretation, leading to discrepancies between official policy and actual practice. This opacity weakens institutional norms intended to ensure fair promotions, creating an environment ripe for non-compliance. The combination of formal regulations and their real-world implementation within this specific context creates a challenging environment in which to consider and analyze how institutional non-compliance might and does emerge.

The Legal Framework for Redress: Limited Effectiveness of Formal Avenues

The legal framework for addressing promotion disputes, including service appeals and execution petitions, is also relevant. While formal appeal processes exist, their demonstrably limited effectiveness in resolving conflicts highlights the need for a more nuanced analysis. The repeated failure of these formal mechanisms to achieve equitable resolution for Arif underscores the inadequacy of existing systems and necessitates a more in-depth exploration of the impact of informal structures, norms, and pressures exerted by influential actors within the E&SED. This consistent failure across several years of attempts at gaining redress through the formal avenues for appeal necessitates a more in-depth analysis that explores not merely the inadequacies at the formal procedural level, but also the impact of informal structures, norms, and pressures exerted from those specific influential actors within this organization that have demonstrably resulted in various instances of non-compliance and which justify the selection of the Neo-institutional lens to generate more original nuanced and ultimately, persuasive insights.

Arif's Initial Appointment and the 2007 Notification: A Foundation for Non-Compliance

This section examines Muhammad Arif's initial appointment as a DPE within the KP E&SED and the subsequent 2007 notification for up gradation of the DPE position to BS-17, establishing the groundwork for analyzing the mechanisms behind the non-implementation of the court order mandating his promotion. This analysis directly addresses the neo-institutionalist framework by demonstrating how formal policies and informal practices within the E&SED intersected to shape responses to the court's decision in this case. This initial section emphasizes the discrepancies and contradictions that created an environment conducive to non-compliance and forms an essential basis for understanding the subsequent stages of Arif's case and how those factors described earlier interacted and impacted decision-making processes which ultimately led to a repeated and protracted failure to deliver those benefits the court had established as his legal entitlement under established E&SED and government policy. This analysis will, in subsequent sections, analyze and provide explanations concerning those aspects where compliance with existing policy was not met and will illustrate those particular interactions between formal rules and procedures, unofficial practices and networks, and influence exerted by key actors within this organization that produced the persistent failures to comply, resulting from specific institutional choices made in direct violation of official directives that have a demonstrably negative impact on those who are excluded from or systematically disadvantaged by actions resulting directly from these biases throughout this process for a period across many years.

Arif's Initial Appointment and Qualifications: Arif's career began with his appointment as a Physical Education Teacher (PET) at BS-09 in March 1990. This early appointment establishes his long tenure within the KP education system and provides context for understanding subsequent events. His later appointment as Director of Physical Education (DPE) at BS-16 on December 13, 2006, through the Public Service Commission, highlights a pattern of successfully meeting appointment benchmarks. This initial appointment proves his long service in the education department. Furthermore, these details are necessary for the analysis in further sections as it sets the background for it. It is crucial to understand that he obtained an MSc degree in 1997, which was required for upgradation to BS-17 and it shall be discussed in detail in the next section. This early detail highlights those key points that later support and reinforce arguments justifying the detailed case study analysis provided here as this detailed and focused research considers the implications for applying

and utilizing those Neo-institutional principles introduced and employed to demonstrate and identify those various formal and informal pressures that operated at multiple stages within those administrative levels which ultimately and specifically produced negative and consistently non-compliant actions and outcomes concerning promotion, access and seniority considerations within the KP E&SED which uniquely and clearly affected Arif.

The 2007 up gradation Notification: Establishing Eligibility Criteria: The pivotal event was the KP government's [No.SOG/S&L/1-69/06/Vol-1/DPE/LIB] notification, issued in November 2007, announcing the upgradation of DPE positions from BS-16 to BS-17 for those holding an MSc degree. This notification established clear eligibility criteria which, significantly, Arif already met. This explicit and officially documented criterion is essential because it lays the foundation for evaluating Arif's claims of entitlement for that upgradation in his later legal challenges. However, the notification's importance extends beyond a simple outline of those requirements in establishing suitability for upgradation and extends into those institutional mechanisms used for implementation which, later on within the process became particularly problematic in creating the biased patterns leading to non-compliance. Using Neo-institutional principles will inform this detailed study into persistent efforts by an identified interest group that actively produced several key actions to both secure and maintain access to achieving non-compliant outcomes. This demonstrates how formal and informal systems impacted decisions at various and multiple points to benefit this specific interest group, thereby repeatedly hampering opportunities for individuals like Arif throughout his attempts to secure this promotion, emphasizing why he was uniquely well placed to initiate this case and how that situation further highlights several compelling themes for generating original contributions to this field with a long-term view that may provide specific insight and inform longer-term improvements throughout several key related administrative areas, specifically enhancing compliance and ultimately justice within these educational structures, directly impacting the lives of numerous people such as those observed with particular reference to and directly caused by the difficulties and issues encountered within those many years that made up this promotion-related legal battle within the KP E&SED, for which, this Neo-institutional perspective may ultimately be found to be highly informative. The timeframe for compliance, starting November 13th, 2007, is crucial to subsequent stages of analysis by providing this benchmark against which later delays in the implementation of a promotion will be assessed as significant actions related to non-compliance.

This section establishes a foundation for understanding the subsequent non-compliance by highlighting the discrepancies between Arif's clear eligibility for upgradation under the 2007 notification and the E&SED's failure to act accordingly. This section provided the proper background required to understand the problem at hand and in the coming sections, it will be analyzed deliberately how decoupling with formal procedures occurs.

The 2009 Seniority List and the Service Tribunal Appeal: Decoupling Formal Procedures and Informal Influence

This section analyzes the 2009 seniority list, Arif's subsequent service appeal (No. 1776/2009), and the Service Tribunal's ruling. It demonstrates how the KP E&SED's actions, driven by informal norms and the influence of a specific interest group and the biased actions of a DPE (Iftikhar) within the KP E&SED's administrative structure, resulted in a decoupling of formal procedures from actual practices, hindering compliance with the 2007 notification for upgradation to BS-17. The analysis will emphasize how the E&SED's actions demonstrate a departure from formal rules and procedures, highlighting the influence of informal norms and power dynamics within the organization. This section will specifically use those various Neo-institutional concepts emphasized earlier. The analysis will focus on the discrepancies between Arif's eligibility for promotion and his actual ranking, highlighting the potential for manipulation and the selective application of rules within the E&SED.

The 2007 Upgradation Notification: Establishing Eligibility Criteria: The KP government issued notification [No.SOG/S&L/1-69/06/Vol-1/DPE/LIB] in November 2007, announcing the upgradation of DPE positions from BS-16 to BS-17 for those holding an MSc degree in Health and Physical Education (HPE). This notification established clear eligibility criteria. The explicit mention of the MSc in HPE as the qualifying criterion is crucial for later analysis, as it forms the basis for evaluating Arif's subsequent claims and helps to understand how those criteria were disregarded, ultimately generating non-compliant behaviors. The timeframe for compliance, starting November 13th, 2007, serves as a benchmark against which later delays will be assessed.

Arif's Eligibility for Upgradation: This table summarizes Arif's eligibility for BS-17 upgradation, based on the 2007 notification. His subsequent failure to receive this upgrade highlights the potential for non-compliance and lays the groundwork for analyzing the mechanisms driving this outcome, which demonstrates a disconnect between formal policies and the actual practices within the E&SED. This initial failure therefore forms the basis for his subsequent legal actions and the analysis presented here.

The 2009 Seniority List: Initial Evidence of Decoupling: The KP E&SED issued a notification (NO.SO(PE)2-6/FtSE/DPCMEETING/LIB/OF) again on 15-06-2009, following the 2007 notification. The 2009 notification mentioned that upgradation shall be granted with immediate effect. It meant that for those teachers who were eligible based on the 2007 notification, their upgradation shall now be considered from the 2009 notification which ultimately means that their seniority in BS-17 shall be counted from 2009, not from the 2007 notification. This particular scenario put some teachers at risk because on the one hand their seniority will be counted from 2009 and there were individuals who got their MSc degree between November 2007 and June 2009, they also became eligible for upgradation under the 2009 notification.

The department made a seniority list based on this notification. This list did not reflect Arif's entitlement to BS-17 from November 13th, 2007, as he met the eligibility criteria well before this list was created. In 2007 when notification issued he was already eligible for promotion to BS-17, but when this new seniority list was issued in 2009, his appointment date was written as 15-06-2009 instead of 13-11-2007, in this gap many individuals had done MScs which were not eligible for upgradation based on 2007 notification, is now eligible. The claim of this individual was that he shall be granted upgradation and subsequently seniority from the 2007 notification. Arif's significantly lower ranking than anticipated—and which is entirely unjustified according to existing promotional criteria—on this list serves as the first clear indication of decoupling between formal rules and actual practices within the E&SED. This becomes a pivotal point in understanding how informal norms and pressures influence promotion decisions, making it a uniquely suitable case study for illustrating exactly how these two aspects interact. This section shows the decoupling between formal rules and actual practices within KP E&SED, this shall not be used solely to reach a conclusion nor will it make any sense here because it would be premature. This evidence along with other evidence which shall be analyzed under the neo-institutional lens in the later sections shall provide a complete picture and will be used to reach a mature finding and conclusion.

Arif's Service Appeal and the Tribunal's Ruling: Arif challenged his ranking in the Seniority list that stood on 15-06-2009 via Service Appeal No. 1776/2009. His appeal highlighted the discrepancy between his qualifications and his ranking on the list. He argued that his seniority should commence from November 13th, 2007, the date of the 2007 notification. The Service Tribunal's decision in Arif's favor, ordering that the petitioner should be awarded BS-17 from 13-11-2007 in accordance with the government notification. This decision directly rejected the E&SED's 2009 seniority list, now the court decided in his favor, which means there was a discrepancy between promotion rules and actual practices with KP E&SED. The court's ruling in Arif's favor further solidifies the claim that has been made earlier.

This section demonstrates how the 2009 seniority list and the subsequent appeal highlight the decoupling between formal policies and actual practices within the E&SED. The court's decision exposes the shortcomings in the E&SED's promotion procedures, setting the stage for examining how informal factors contributed to continued non-compliance in subsequent stages of Arif's case.

Non-Compliance with the Tribunal's Ruling: Institutional Decoupling and the Rise of Informal Norms

This section analyzes the KP E&SED's response to the May 7th, 2010, Service Tribunal ruling in Arif's favor, demonstrating how institutional factors—specifically decoupling and the influence of informal norms and power dynamics—contributed to the non-implementation of the court's decision. The analysis focuses on how the E&SED's actions actively worked to prevent the mandated changes from taking place, while generating an environment supportive of non-compliance and highlights how various deliberate, intentional choices directly contributed to continued and systematic failure at compliance with respect to Arif's particular case. This section examines specific examples in which deliberate attempts have demonstrably been undertaken to ensure that those judicial mandates established are circumvented.

The E&SED's Initial Response (2010-2016); Prolonged Inaction and the Emergence of Decoupling: After the Service Tribunal ruling on 07-05-2010, the department did not take any action to implement this. This prolonged inaction, despite Arif submitting multiple applications to the department, demonstrates a clear lack of commitment to implementing the court's decision. The absence of any meaningful action for six years, despite the clear mandate issued in 2010, demonstrates a deliberate effort to avoid implementing the court's decision. This early failure to comply highlights a critical decoupling between formal policy and actual practice, underscoring the limitations of relying solely on formal mechanisms to secure compliance within this organization.

Despite the Service Tribunal's May 7th, 2010, ruling in Arif's favor, the KP E&SED initially failed to act. This inaction, extending for six years, wasn't merely an oversight; it represents the first clear instance of the E&SED's non-compliance with the court's decision. This initial non-compliance set the stage for a protracted legal battle, emphasizing the institutional obstacles to enforcing court rulings. When the department did not cooperate by promoting the petitioner (Arif), hence having no other remedy the petitioner filed Execution (Execution Petition No.102/2016) before the tribunal.

The 2017 Notification; Partial Compliance and Continued Decoupling: In March 2017, the E&SED issued a notification granting Arif BS-17 status, retroactive to November 13th, 2007. While seemingly compliant, this notification notably failed to include a revised seniority list reflecting Arif's correct seniority. This notification did mention that he shall be given seniority from 13-11-2007 but did not issue any seniority list which correctly reflect the individual position based on corrected seniority. This was not a Complete Compliance but rather Partial Compliance. This omission, far from being accidental, exemplifies the continued decoupling between formal policy and actual practice, highlighting the ongoing strategic attempts at evading full compliance and non-compliant practices. This deliberate action demonstrates that the E&SED lacked commitment to fully implementing the court's decision and therefore needs careful examination in terms of specifically highlighting those actions consistently taken and therefore illustrating how this produced various and multiple instances of non-compliance.

The 2017 notification, therefore, represents only partial compliance, further demonstrating the gap between formal pronouncements and actual practices within the E&SED. This continued decoupling showcases the E&SED's unwillingness to fully address the court's mandate. The reasons for this partial compliance and the deliberate avoidance of full compliance shall be cleared in the section after this where multiple seniority lists shall be discussed and a pattern shall be found which would paint the whole picture that this partial compliance and decoupling was all part of strategic non-compliance.

This section demonstrates how the E&SED's response to the 2010 ruling exemplifies institutional decoupling, highlighting the significant influence of informal norms and power dynamics on shaping non-compliant responses. The persistent non-compliance, despite multiple attempts at legal redress, underscores the limitations of formal oversight mechanisms and sets the stage for analyzing the subsequent phases of Arif's legal battle. In the next section, it will be cleared through analysis of different seniority lists who was responsible for this noncompliance and whether it was not accidental but rather intentional. This partial compliance and decoupling will seem part of the larger analysis discussed in the next section.

Prioritizing Promotion over Compliance: Interest Group Influence and Institutional Decoupling

This section analyzes the KP E&SED's response to the August 28th, 2019, court order mandating the correction of Arif's seniority, focusing on the 1st BS-18 and 2nd BS-18 seniority lists and promotion decisions. It demonstrates how the pursuit of self-serving promotions, particularly for Iftikhar (a DPE in a management position) and other members of a specific interest group, led to continued non-compliance with court mandates. This analysis highlights the strategic prioritization of this interest group's advancement over compliance, illustrating institutional decoupling and the powerful influence of informal norms and power dynamics within the E&SED.

Types of Promotion; Acting Charge Base and Regular: Before analyzing the seniority lists, it's crucial to understand the two types of BS-19 promotions within the KP E&SED: acting charge and regular. Acting charge promotions are granted to individuals with less than 12 years of combined experience at BS-17 and BS-18. While these individuals receive a BS-19 salary, their experience continues to accrue at the BS-18 level until the 12-year threshold is met, at which point they are eligible for regular promotion. Regular BS-19 promotions, conversely, are awarded to those with over 12 years of combined experience at BS-17 and BS-18. Arif, due to his court-mandated BS-17 seniority from 2007, was eligible for a regular BS-19 promotion, unlike most other candidates on the BS-18 seniority list who were only eligible for acting charge appointments based on their later BS-17 award dates(15-06-2009). This distinction is crucial for understanding the subsequent promotion decisions and the prioritization of acting charge appointments for the interest group. The deliberate choice to offer acting charge base appointments for this group— while ignoring Arif's eligibility for regular promotion—illustrates a clear disregard for the court's mandate and highlights the influence of informal factors in shaping promotion decisions. This distinction along with analysis of both BS-18 seniority lists in the later part of this section shall be used to find the primary driver responsible for noncompliance.

Arif's Case; A Window into Systemic Non-Compliance: It is important to note that Arif was not the only individual who won the case in 2010 granting them seniority from 13-11-2007 instead of 19-05-2009. Those individuals did not challenge it in court when compliance with court rulings was not done. For that purpose their cases are not discussed, as to find the factor responsible for noncompliance, a pattern is required which shall be used for analysis, Arif's struggle of more than a decade and department responses to multiple order sheets provide that pattern which shall be analyzed under neo-institutional framework to examine the factor responsible for non-compliance. This case acts as a window through which the primary driver responsible for noncompliance shall be find within KP E&SED.

Promotion over Compliance; Analysis of 1st BS-18 Seniority List:

In the execution case, the Tribunal issued multiple order sheets mandating the correction of seniority. As I mentioned in an earlier section in response to those order sheets the department issued a notification on 22-03-2017 giving the individual its rightful seniority, I already proved that it was only a partial compliance and the tribunal rejected it considering it a part-compliance. This sets the stage for the analysis of seniority

lists where decoupling with formal norms shall prove how the department deviates from Tribunal orders and formal procedures.

In response to the tribunal pressure on the department, on 26-6-2019 the Elementary and Secondary Education Department KPK, issued the BS-18 Seniority list and Arif was ranked 107, it was submitted in court but the court did not agree with this list and ordered that it shall be corrected according to the issued order sheet (dated 28-08-2019) to allocate the due position to the petitioner in BS-18 Seniority List.

Despite the court rulings and order sheets that the seniority shall be corrected, still, the department issued 1st promotion on acting charge base to BS-19 (Chief Instructor Physical Education) on the wrong BS-18 seniority list (stood on 26-06-2019) on 5-12-2019 up to serial number 64 ignoring the petitioner's rightful seniority. Now the question arises why was promotion more important to the department than compliance with court rulings and order sheets? By answering this specific question, the analysis of the BS-18 seniority list shall be done in order to uncover the factor responsible for noncompliance. The reason dictates that not a single institution goes against the court's mandate, in this case not only decoupled from existing norms of promotion but also goes against the court's mandate.

All officers in the seniority list were junior to Arif (as they were appointed to BS-17 on 15-06-2009) but for the purpose of analysis, some will be taken as a sample and discussed.

Based on the shared interest an interest group is formed but this interest group cannot do anything on its own because they do not have any authority to manipulate the court's ruling or formal procedures of the department. This interest group consisted of many officers who were junior to Arif, but abiding by the court ruling they would have lost their positions in the seniority list. They exerted pressure on the department that the promotion of all officers shall be done from the 15-06-2009 notification rather than the 13-11-2007 notification. Their interest coincides with the interest of E&SED Director Iftikhar who was ranked 12th in the BS-18 seniority list (stood on 26-06-2019), along with the interests group favors promotion to BS-19 (Acting Charge Base) over compliance with the court's ruling and order sheets. Due to interest group pressure on the department and personal interest of a DPE who was a director in the education department, they all started decoupling from formal rules of promotion and the Tribunal's ruling to prioritize their promotion over compliance. The Service of all these officers in BS-17 and BS-18 combined was less than 12 years so they were only eligible for acting charge base promotion while Arif who was senior to all these officers was eligible for both acting charge base and regular base promotion to BS-19. The department not only deprived him of regular base promotion but also put him in the wrong position in acting charge base promotion to BS-19. It shows institutional decoupling with formal norms and also with the court mandate to give the petitioner his rightful seniority. This was Acting Charge base promotion and in the next section, the same pattern of analysis shall be done to find why the department prioritizes Regular Base Promotion (of same junior officers as discussed) over compliance.

Promotion over Compliance; Analysis of 2nd BS-18 Seniority List: In the section above I did the analysis of the 1st BS-18 Seniority list and how it was manipulated that showed institutional decoupling with both formal norms and court mandate. In this section analysis of the 2nd BS-18 seniority list shall be done but this time this is a regular basis because the interest group and DPE as director in E&SED have now met the minimum criteria of 12 years and are eligible for the regular base promotion. First, it will discuss how the department was responding to court order sheets to make a complete picture then it will analyze the 2nd BS-18 seniority list for 2nd promotion to BS-19 on Regular Charge Base this time and will prove further institutional decoupling and prioritization of promotion over compliance.

On 15-01-2020 the department submitted a report with false compliance information (leading to further complications) on which arguments were done on 07-07-2020, and an order sheet was issued stating that compliance of the order sheet (dated 15-07-2019) shall be done, then another report was submitted by

department on 05-10-2020 in which they state that they have done compliance which statement was not true but on the said assertions another order sheet was issued saying that the department has submitted a purported compliance report.

Despite court order sheets and rulings against false compliance reports submitted by the department, the department issued 2nd seniority list of BS-18 on 19-05-2021 for 2nd promotion to BS-19, the earlier promotion to BS-19 was done on acting charge base but this promotion since they have more than 12 years experience in BS-17 and BS-18 combined, now they are eligible for regular promotion to BS-19. This 2nd BS-18 seniority list was on a regular basis and had the same individuals which were early promoted to the acting charge base. Against this seniority list the petitioner appealed on 13-05-2021 to the Secretary and Director Elementary and Secondary Education, KPK giving reference to order sheets, and an inquiry was conducted and a meeting was done on 25-10-2021 which submitted a report stating that the petitioner should be granted BS-17 seniority from 13-11-2007 instead of 15-06-2009.

Despite an inquiry confirming Arif's seniority from 2007 (October 25th, 2021), the E&SED issued a second round of BS-19 promotions, this time on a Regular basis, based on the seniority list that stood on 19-05-2021 up to serial 69 again ignoring Arif's rightful seniority. The above details clearly show the department's intentions of noncompliance and how they time and again ignore the court's orders. They not only go against the court but also against the very inquiry that was conducted by the department itself. The reason dictates that all noncompliance was not accidental but intentional, I have already proved this in the above sections and in this discussion. To make even more sense of how interest groups along with the Director influence the department's actions, the 2nd BS-18 Seniority list shall be analyzed.

All these officers were junior to Arif and all these formed interest groups to serve their interests. Some of them will be discussed here and were already discussed in the 2019 seniority list. From the above list, it is clear that these all officers were junior to Arif as they were appointed in 2009, Furthermore , it can be seen even in their serial numbers that their numbers got up from the previous BS-18 seniority list of 2019, The same question arises why was 2nd promotion done despite the court ruling, order sheets, and departmental inquiry, the answer is still the same that was discussed in the previous section in detail that the interest group interest lied with that of DPE in the administration who favors their regular promotion to 19 rather than compliance with the court. In this seniority list the DPE who is a director of the education department is ranked 7th, he was previously ranked 12th in the 2019 seniority list. Even after court order sheets and inquiry he chose to decouple from existing formal norms and favors his regular base promotion to BS-19 and through this, the interest groups which consisted of junior officers also benefited because their interest coincided with a DPE at an administrative post.

Previously in 2019, they prioritized their Acting Charge Base Promotion to BS-19, and in 2021 as their experience in BS-17 and BS-18 combined exceeds 12 years and are eligible for Regular Charge Base Promotion they again prioritized their promotion over compliance. Keeping this in view, what is the role of formal rules or procedures of Promotion if the department does not abide by them and what is the role of the judiciary as an institution if the department considers itself superior and does not implement judicial decisions? Normally they would have promoted the individual based on formal procedures and rules, if some error has occurred accidentally that should have been corrected in accordance with judicial ruling.

From this analysis, it is evident that this is the deliberate manipulation of administrative processes to favor a specific group and a DPE at administrative post and it also cleared why the department prioritizes promotion over compliance. If this individual did not challenge this in court then it would be impossible to find the pattern of how or why they do non-compliance, the major factor responsible for non-compliance here is the presence of the same category officer in administration who has the power to manipulate things, and with that interest group also got benefited because their interest coincides with that individual.

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