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The Federal Supreme Court (F S C) has been convened on 9.9.2018 headed by the Judge Madhat Al-Mahmood and membership of Judges Farouk Mohammed AL-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-nagshabandi, Aboud Salih Al-temimi, Michael Shamshon Qas Georges and Hussein Abbas Abu AL-Temman who authorized in the name of the people to judge and they made the following decision:

Plaintiff / Governor of Nineveh/ being in this capacity his agents the tow human rights officers (kha. ain. beh.) and (feh. alif. feh.).

Defendant/ Minister of Education/ being in this capacity and his assistant legal advisor (sin. alif. jim.)

Claim:

The plaintiff/ being in this capacity claimed that the Governor of Nineveh The Ministry of Education has already approached the Directorate of Education Nineveh to two parts (right and left) to fulfill the decision of the provincial council No. (199) on 7/9/2017, the request was reject by the defendant on the on the pretext of that this is only a draft law amending the law of the Ministry of Education No. (22) of 2011 In the opinion of the plaintiff that the provincial councils have the authority to issue local legislation on the basis of article (2/1<sup>st</sup>) of the law of the provinces No .(21) of 2008, therefore, the plaintiff request to compulsion the defendant/ being in this capacity In the Directorate General of Education Nineveh to two parts (right and left) in order to raise the momentum raising the level of education, and after informing

the defendant/ being in this capacity of the petition and its documents, he replied in a pleading on 22/7/2018 a request to reject the case for the reasons given in the pleading and after the appointment of a date for the argument, the court was formed and the parties were called in. The agents of the plaintiff attended and the agent of the defendant was present. The public prosecutor's appeal was made. The defendant's agent replied that the case was rejected for the reasons given in the pleading presented today, The defendant's agent presented a list in response to the answer and the defendant's sentence. Both sides repeated their statements and requests. As for what was left, the conclusion of the pleading was understood and the verdict was publicly understood.

### The Decision :

For scrutiny and deliberated by FSC found that the agents of the plaintiff request the referee to bind the defendant Minister of Education in addition to his job in the Directorate General of Education Nineveh province to two parts (right and left) in order to raise the momentum of the Directorate General of Education Nineveh and raising the level of education that the Directorate of the mentioned from the largest directorates in the reserves and that this request supports the decision of the Nineveh Provincial Council No. (199) on 7/9/2017 when considering the in the request of the plaintiff/ being in this capacity found that it was related to a legislative aspect, namely the enactment of a law to amend the law of the Ministry of Education No. (22) of 2011 which can be divided by the General Directorate of Education Nineveh to two parts (right and left) this is necessary drift the plaintiff/ being in this capacity to direct this speech to the legislative authority represented in the House of Representatives because it is the competent authority to enact laws upon reference to the terms of reference of the FSC provided for in article (93) of the Constitution of the Republic of Iraq for the year 2005 and the article (4) of the law of FSC No. (30) of 2005 we do not find the right to hear the merits of the case and the FSC is not competent to hear them. The court decided to reject the plaintiff's claim on the grounds of non-jurisdiction, while charging the costs of the case and the attorney's

fees for the defendant's attorney, in the amount of 100,000 dinars and the ruling issued binding and in agreement according to the provision of article (94) of constitution it was publicly understood on 9/9/2018.