



The Federal Supreme Court (F S C) has been convened on 9.10.2018 headed by the Judge Madhat Al-Mahmood and membership of Judges Farouk Mohammed AL-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Mohammed Saib Al-nagshabandi, Michael Shamshon Qas Georges , Hussein Abbas Abu AL-Temman, Mohammed Rajab Al-Kubaisi and Mohammed Qasim Al-Janabi who authorized in the name of the people to judge and they made the following decision:

Plaintiff / (nun. alif. alif.) his agent (alif. ain. ha.).

Defendant/ Dean of Al-Mansour Community College/ being in this capacity his tow agent (qaf. sin. ha.) and (ain. alif. ain.)

Claim:

The agent of plaintiff claimed that the That his client had already contributed with other people in the establishment of Al-Mansour College (private college) according to the private college law No. (23) of 1996 which is stated in the article (28) paragraph (1st) of it customize (10%) Of the net financial savings of the final accounts of the institution and during its work the College Council held a number of meetings, including the meeting on 24/7/1997 and the meeting on 1998 In which they decided not to grant any rights or privileges to faculty members, including members of the teaching staff and founding members In the case of his departure from Iraq for more than two years without obtaining the fundamental approvals for that and because this is contrary to the law of private colleges No. (23) of 1996 Which is considered to be a public order which may be agreed upon, so the court requested the

annulment of what was included in the meeting of the College Council held on 27/7/1997 and with the intention 24/7/1997 and 5/10/1998 in violation of the law of private colleges No. (23) of 1996 for violate the public order, with the plaintiff charging all fees, expenses and legal fees. after the case has been registered with this court in accordance with paragraph (3rd) of the article (1) of its bylaw No. (1) of 2005 supply response to the claim was rejected because the plaintiff filed the prima facie case in the Karada court on the same subject, The case was filed and ratified appeal and cassation and gained a peremptory degree and request to reject the case , after required procedures completed according to the paragraph (2nd) of the article (2) from the same bylaw, the day 9/10/2018 has been appointed for argument and the court was formed, the tow agents of the defendant attended and did not attended the agent of the plaintiff despite the notification and began to the argument his absence based on the bylaw of the FSC No. (1) of 2005 the court scrutiny the petition and what is stated in the plea as the case has been completed, decided to conclude, the decided was publicly understood on 9/10/2018.

The Decision :

For scrutiny and deliberated by FSC found that the agents of the plaintiff explained in the petition No. (164/federal/2018) that his client has already contributed with other people in the establishment of Al-Mansur College, the civil university according to the private college law No. (23) of 1996 which is stated in the article (28) paragraph (1st) of it customize (10%) Of the net financial savings of the final accounts of the institution and during its work the College Council held a number of meetings, two meetings decided not to grant any rights or privileges to faculty members, including faculty members and the founding members in the event of leaving Iraq for more than two years without obtaining the fundamental approvals and that this violates the law of private colleges, which is the public order and the request for judgment (cancel the contents of two meetings of the College Council). The FSC found that the agents of the plaintiff request to cancel the decisions issued from

the Al-Mansoor College Council / private college administrative decisions issued by a private entity the law has drawn a way to challenge it which is not challenged before the FSC, Thus, the hearing of the case is outside the jurisdiction of the FSC provided for in article (93 of the constitution) and the article (4) from its law No. (30) of 2005. Accordingly, the FSC decided to reject the plaintiff's claim from the jurisdiction and to charge him the expenses and fees and the attorney's fees for the defendant's agents, amounting to 100,000 dinars. The decision was rendered binding on the basis of the provisions of the article (94) of the constitution of law of the FSC No. (30) of 2005 it was publicly understood on 9/10/2018.