

**IN THE LAHORE HIGH COURT, LAHORE
JUDICIAL DEPARTMENT**

Civil Revision No.78898 of 2021

University of Punjab etc.
Versus
Abdul Majeed etc.

Sr.No. of Order/ Proceeding	Date of Order/ Proceeding	Order with signatures of Judge and that of parties or counsel, where necessary.
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02.02.2023 Malik Muhammad Awais Khalid and Muhammad Ali Bhatti, Advocates for the petitioners.
 Mr. Imran Muhammad Sarwar, Advocate for respondent No.1.

Through this civil revision, the petitioner has challenged the validity of judgment & decree dated 28.09.2020 passed by the learned Civil Judge, Lahore whereby suit for declaration with mandatory injunction filed by respondent No.1 was decreed and judgment & decree dated 10.11.2021 passed by the learned Additional District Judge, Lahore who dismissed the appeal of the petitioner/University of the Punjab.

2. Brief facts of the case are that respondent No.1 / plaintiff filed a suit for declaration with mandatory injunction against the petitioner and proforma respondent No.2/ defendants alleging therein that he appeared in second annual examination for B.A through Roll No.14228 Registration No.91-z-1152 in the year 1991 and passed the examination as well as

received result card from the petitioner /University of the Punjab while obtaining 414 marks out of 800 marks. Respondent No.1 filed an application for issuance of original degree but the petitioner & respondent No.2/defendants No.1 & 2 refused to deliver the degree. He requested that a direction may be passed to the petitioner/ defendants to deliver the degree. Petitioner & proforma respondent No.2/ defendants No.1 & 2 filed contesting written statement raising objection that respondent No.1 has no cause of action and locus standi to file the suit. Respondent No.1 committed forgery in the award list of English Paper-A as rubbing had been applied by interpolation of digit 13 marks into 43 marks with connivance of some officials of the University. The learned trial court framed issues, recorded evidence of both the parties and vide judgment & decree dated 28.09.2020 decreed the suit for declaration filed by respondent No.1 and directed the petitioner and proforma respondents to hand over the degree of B.A. Petitioner feeling dissatisfied challenged the said decision filed an appeal which was also dismissed by the learned appellate court vide judgment & decree dated 10.11.2021. Hence, this civil revision.

3. The petitioners did not annex the complete evidence of the parties with this revision petition upon

which the record of the case was requisitioned from the learned Courts below. I have heard the learned counsels for the parties at full length and gone through the record with their able assistance.

4. The actual controversy involves in this case is revolved around issue No.1 which is reproduced as under:-

“1. Whether plaintiff is entitled to obtain the degree of BA as per result card issued by defendants in the year 1992? OPP”

Plaintiff himself appeared as PW1 and reiterated his stance taken in the plaint. He also produced Khan Ahmed Saleem and Muhammad Tariq Yahya as PW2 and PW3 respectively who fully supported him. In documentary evidence, he produced original certificates of matriculation (Exh.P.1), original certificate of F.A (Exh.P2) as well as original result card of B.A (Exh.P3) and photocopy of gazette notification as Mark-A.

Conversely, Abdul Rehman, Assistant controller Degree Computer appeared as DW1 who stated in his cross examination that:-

یہ درست ہے کہ مدیع عبدالجبار نے دوسرا سالانہ امتحان 1991 رو لنگر 14228 کے تحت امتحان دیا اور گزٹ کے مطابق 414 نمبر حاصل کر کے پاس ہوا۔ یہ درست ہے کہ مدیع نے 18-3-16 کو F1-262 کے تحت ڈگری کے لیے کیا۔ یہ درست ہے کہ PU Ex.D3 کا جاری کردہ ہے۔ جس کی امر و ز میں Apply نے اپنے ریکارڈ سے تصدیق کی ہے۔

Muhammad Akram appeared as DW2 who in his cross admitted as under:-

اور over writing کے بارے میں جو بیان دیا اس میں over writing کا ذکر ہے اس کی بابت Award list کو فورنڈ کر پوٹ نہ کروائی گئی ہے۔ یہ درست ہے کہ میں فورنڈ کا expert نہ ہوں جو دلکش کرتا ہے۔

5. Admittedly, respondent No.1/ plaintiff appeared in Second Annual Examination for Bachelor of Art (B.A) vide Roll No.14228 with the Registration No.91-z-1152 and passed the exam by securing 414 marks. Accordingly, the petitioner /University of Punjab issued him a result card showing 414 marks out of 800 marks.

6. Petitioner-University produced copy of register of University of Punjab (Exh.D7), which shows “Result Statement for the Bachelor of Arts (Pass Course) I/II Examination 1991” held in January 1992. As per Ex.D7 the respondent in English Subject had obtained 72 Marks (Paper-A 43 Marks and Paper-B 29 marks i.e. Total 72 Marks) in this way, he obtained total marks 414 out of 800 marks and passed the examination in 2nd Division. From bare perusal of above Ex.D-7, it reveals that there is no visible tampering, erasing or manipulation on the said record and even if there was any doubt it was appropriate for the petitioner to obtain opinion of an expert of the relevant field in this regard but this

exercise was not done. The petitioner in its official gazette declared respondent No.1 as successful candidate. Under Chapter-VI of the Calendar of the University of the Punjab, 1998 the Syndicate has the jurisdiction to quash the result or withdraw the degree within three years from the date of declaration of result. For ready reference, Chapter-VI of The Calendar of the University of the Punjab for the year 1998 is reproduced as under:-

**“CHAPTER VI----GENERAL REGULATION
EMPOWERING THE SYNDICATE TO
QUASH THE RESULT OR WITHDRAW THE
DEGREE, DIPLOMA OR CERTIFICATE OF A
CANDIDATE.**

Notwithstanding anything to the contrary contained in the Regulations, the Syndicate shall have the power to quash the result or withdraw the Degree, Diploma or Certificate of a candidate after it has been declared or awarded, as the case may be:-

- (1) if he has been disqualified for using unfair means in the examination; or
- (2) if a mistake is found in the compilation or declaration of his result; or
- (3) if it is found that he was not eligible to appear in the examination.

Provided that the order of quashing the result under paras.(2) and (3) is issued not later than 3 years from the date of the declaration of the result of the examination concerned.

Provided further that in quashing the result of candidate under (2) and (3) above, the University declares as ‘failed’ a candidate, who was previously declared to have passed in an examination, the Syndicate may, after considering the circumstances of the case, take such action as it may deem necessary to give to the candidate the benefit of any privilege that he may have acquired by studying in the next higher class in a recognised institution or taking an examination conducted by the University.”

(emphasis supplied)

As per available record, the result of respondent was declared in 1992 but neither any proceedings regarding erasing or manipulation in the marks were initiated within the stipulated period against the respondent nor any departmental proceeding were initiated by the petitioner against any delinquent official. The copy of Register of University of Punjab (Exh.D7) is an authentic proof in this regard that the respondent No.1/plaintiff obtained 414 marks and there is no tempering available on it. Once the result gazette was issued the University was/is debarred to quash the result after the lapse of period of three years. Reliance is placed on the cases titled as Shahid Saleem Vs. Board of Intermediate and Secondary Education & 2 Others (1987 MLD 3053) and Tariq Mahmood Vs. Vice-Chancellor, University of the Punjab, Lahore & Another (2022 MLD 155). As such the learned courts below rightly passed the impugned judgments & decrees and no illegality has been committed.

7. When confronted, learned counsel for the petitioner has failed to point out any illegality or material irregularity, misreading and non-reading of evidence in the impugned judgments & decrees passed by the learned Courts below and has also not identified any jurisdictional defect. The concurrent findings of fact are against the petitioner which do not call for any

interference by this Court in exercise of its revisional jurisdiction. Reliance is placed on the case titled as *Mst. Zaitoon Begum Vs. Nazar Hussain & Another (2014 SCMR 1469)*.

8. In view of above, this civil revision is **dismissed** being devoid of any force with no order as to cost.

**(CH. MUHAMMAD IQBAL)
JUDGE**

Approved for reporting.

JUDGE

Shahzad Mahmood