

JUDGMENT SHEET
PESHAWAR HIGH COURT, BANNU BENCH
(Judicial Department)

Consumer Appeal No.169-B/2024.

***Voice Chancellor Khushal Khan Khattak
University Karak etc.
Vs.
Nelofar etc.***

JUDGMENT

For Appellants: Mr. Abdullah Khattak, Advocate.

For Respondent: M/s Khuram Rafiq and Abid Anwar
Khattak, Advocates.

Date of hearing: 13.10.2025.

ABDUL FAYAZ, J.- This single judgment shall decide the instant as well as connected **Consumer appeal No.199-B of 2024 titled Zain-ul-Abideen vs. Nelofar etc.**, as both the appeals arise from one and the same judgment dated 22.05.2024 passed by the learned Judge, Consumer Court, Karak, filed by the petitioner U/S 17 Khyber Pakhtunkhwa Consumer Protection Act 1997 with the following prayer:-

"On acceptance of instant appeal, the order/judgment dated 22-05-2024 of Honourable Judge Consumer Court Karak may kindly be set-aside being illegal, wrong and against the law and complaint of the respondent No.1/complainant may kindly be dismissed with costs."

2. The brief facts, as gathered from the record, are that the complainant secured admission in the Bachelor of Arts program in the year 2013 at *Insaniyat Institute* being managed by Mr. Zain-ul-Abideen. The said institute was stated to be affiliated with *Al-Khair University, Azad Jammu and Kashmir*. After appearing in the examination, the complainant was declared successful and a Detailed Marks Certificate (DMC) was issued on 27th October 2015. Subsequently, in 2017, the complainant applied for admission to the *Khushal Khan Khattak University, Karak (KKKUK)* for the Master's program in *Library and Information Sciences* (session Fall 2017–Spring 2019). She duly paid all requisite admission and semester fees. A room was also allotted to her in the university hostel vide office order No.950-955/PRO/KKKUK/18 dated 29.01.2018. The complainant continued her studies for two years, paid all dues, and successfully completed the prescribed coursework. Upon completion of the degree requirements, the complainant submitted an application to the concerned office for issuance of her transcript and final degree. However, the Director Examination, KKKUK, declined the request on the ground that the Bachelor of Arts degree produced by the complainant at

the time of admission was not genuine, as *Al-Khair University, AJK* was not a recognized university. The complainant asserted that despite her regular attendance in classes, payment of all dues, and residence in the hostel for two years, the University unjustly refused to issue her degree, thereby causing her immense hardship and irreparable loss of time and resources. She, therefore, prayed before the learned Consumer Court for issuance of her M.A. transcript and final degree in *Library and Information Sciences* and for such relief as deemed appropriate to serve the ends of justice.

3. The appellants contested the complaint through written reply, denying all allegations. The learned Consumer Court, after hearing both sides and examining the material on record, partially accepted the complaint vide the impugned judgment dated 22.05.2024. Hence, the present appeal.

4. Arguments advanced by learned counsel for both sides were heard at length, and the record was thoroughly examined with due care and caution.

5. Perusal of the record reveals that the complainant was granted admission in the M.A. Library Science program at KKK University, Karak, on the basis of a DMC purportedly issued by *Al-Khair University, AJK*.

The said document, along with other testimonials, remained under consideration of the Admission Committee, which subsequently approved her admission. The complainant duly completed four semesters and appeared in all examinations. The University, however, failed to conduct timely verification of the antecedents of the DMC or the authenticity of *Al-Khair University's* credentials at the time of admission. This lapse reflects a serious administrative failure on the part of the University. The matter was allowed to linger until the complainant applied for issuance of her final transcript, whereupon the University suddenly raised the objection that her Bachelor's degree was invalid. The belated inquiry and lack of due diligence not only caused unnecessary delay but also resulted in wastage of the complainant's precious time, resources, and academic effort. It was incumbent upon the Admission Committee to verify the validity of all documents at the time of admission. Their failure to do so constitutes negligence and dereliction of duty. The University, being an autonomous and service-oriented body, cannot absolve itself of responsibility by shifting the entire burden upon the student. Such conduct defeats the very purpose of consumer protection in the

field of education. The University's inaction and indifference clearly amount to deficiency in the provision of essential services, thereby entitling the complainant to appropriate redress.

6. As regards petitioner/respondent No.5, *Mr. Zain-ul-Abideen*, the record reflects that he was running the institution known as *Insaniyat Degree College, Karak*. He neither produced attested documents showing valid affiliation of his institution with *Sarhad University, Peshawar* or *Al-Khair University, AJK*, nor did he disclose the true position regarding non-affiliation to the complainant at any stage. His deliberate concealment of material facts misled the complainant into pursuing an invalid academic program, ultimately jeopardizing her future career. Furthermore, the record shows that the *Higher Education Commission (HEC)* had imposed a ban on *Al-Khair University, AJK*, and such information had been widely published. As a person engaged in running an educational institution, respondent No.5 in consumer appeal No.199-B of 2024 could not have remained unaware of this fact. His failure to inform and guide the complainant in a transparent manner was both willful and negligent. His conduct, therefore, amounts to gross deficiency in service and deliberate concealment

of facts, which caused irreparable harm to the academic and professional prospects of the complainant.

7. The cumulative effect of the above discussion makes it abundantly clear that both the appellants, the University administration and respondent No.5 failed to discharge their respective obligations. However, the learned Consumer Court has already addressed the grievance of the complainant in an equitable and judicious manner. No material irregularity or illegality has been pointed out warranting interference in the impugned judgment.

8. Consequently, this appeal, along with connected Appeal No.199-B of 2024, is found to be devoid of merit and is hereby dismissed.

9. As regards **Cr.M No.87-B of 2024** in connected appeal No.199-B of 2024, seeking condonation of delay, the record reveals that the appeal in hand i.e.169-B of 2024 had been filed within the prescribed limitation period; hence, the said application has become infructuous stands dismissed.

Announced.

13.10.2025.

Sher Qad Ullah/steno

(S.B)

Hon'ble Mr. Justice Abdul Fayaz.

SCANNED
23 OCT 2025
Khalid Khan
23/10