

JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
(JUDICIAL DEPARTMENT)

Writ Petition No. 1265/2020

Mst. Saba Kausar
Versus
Government of Pakistan etc

Petitioner by: Ms.Samia Qamar Advocate alongwith petitioner.

Respondents by: Mr. Nauman Munir Paracha, Advocate alongwith Dr. Qurat-ul-Ain Minhas, Dr. Arshad Faiz, Dr. Arshad Hussain, Dr. Zeeshan, Dr. Aqeel A. Bukhari, Samiullah Khan, Assistant Registrar (Legal) and Dr. Hasssan.

Ch. Abdul Jabbar, AAG

Date of Decision: 28.08.2020

Ghulam Azam Qambrani, J.: Through this petition, the petitioner has invoked the jurisdiction of this Court filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 with the following prayer;-

“ It is, therefore, respectfully prayed that the writ petition may kindly be accepted and the act of respondents to force the petitioner to research in communication field under the supervision of respondent No.5 is totally illegal, unlawful, colourable exercise of powers and a writ may kindly be issued to the respondents to allow the petitioner to do research work in her interested field i.e “EMT” instead of “Communication field” under the supervision of her desired supervisor, in the interest of justice.

Any other relief which this Hon’ble Court deems fit and proper may kindly be awarded to the petitioner.”

2. Brief facts of the petition are that the petitioner is student of M.Phil (4th Final Semester in the Department of Electronics) at

Quaid-i-Azam University, Islamabad; that she filled the form according to desire and research area as given by the department to each student. Her field of interest is "Electromagnetic Theory" and her desired advisor options are (i) Dr. Zeeshan Akbar, (ii) Dr. Arshad Fayyaz, (iii) Dr. Arshad Hassan and (iv) Hassan Mehmood, but the petitioner has been assigned a supervisor namely Dr. Quratul Ain Minhas/ respondent No.5, who is from communication field, as such, the petitioner has been assigned a supervisor that was not according to petitioner's desire area of research interest. It is further stated that the petitioner submitted an application to respondent No.4 for change of supervisor/ respondent No.5 in order to call a meeting on this issue with respondent No.4 but they refused to do so, upon which the petitioner requested him to allow her to do her research work in collaboration with Dr. Zeeshan Akbar, but again she was refused; thereafter, she moved an application to Dean of Natural Science but the said application remained unattended.

3. Learned counsel for the petitioner submitted that the Rules of Higher Education Commission are applicable to the respondent/ university; that five students can be taken by the supervisor for Ph.d; that the petitioner shown her choice as Dr. Zeeshan Akbar but she has been refused and she has been assigned Dr. Quratul Ain Minhas as supervisor of the petitioner, who is not according to the petitioner's desired of area of research interest.

4. On the other hand, learned counsel for the respondents, at the very outset, presented a copy of letter dated July 02, 2020 whereby as per choice of the petitioner, Dr. Arshad Fiaz, with the same specialization, has been appointed as co-supervisor and it has been recommended that the department shall provide a conducive and fair working environment; as such, this petition has become infructuous; that the matter clearly falls within the internal policy of the respondent/ university and this Court has no jurisdiction in the instant matter. It is further submitted that the rules applicable to the petitioner are non-statutory in nature; therefore, the instant writ petition is not maintainable; that factual controversies are involved in

the matter, which cannot be resolved without recording of evidence of the parties.

5. Arguments heard, record perused.

6. Perusal of the record reveals that the petitioner was allowed to conduct research in her research area of choice i.e. Electromagnetic or Communication, which is reflected from her preference proforma submitted by the petitioner. The petitioner's supervisor namely Dr. Qurat ul Ain Minhas, is M. Phil in Electromagnetic and Ph.d in Communication. As per letter dated 02.07.2020, Dr. Arshad Fiaz, relevant to Electromagnetic Theory, who was second preference of the petitioner, has been appointed as Co-Supervisor of the petitioner along with Dr. Qurat ul Ain Minhas, as such, the petitioner has been given an opportunity to conduct research work in her area of choice.

7. It is a settled law that in matters of admission and examination in educational institutions, the University authorities concerned are the sole judges of the criteria laid down in the prospectus. The Courts in such matters desist from interfering due to the reason that it would create difficulties for the said institutions to run its affairs in an appropriate manner according to their rules and regulations.

8. In the case reported as **Muhammad Ilyas v. Bahauddin Zakariya University, Multan and another** (2005 SCMR 961) it has been held as under:-

"At the outset it may be noted that as far as the rules/ regulations framed by the University Authorities for the purpose of conductive/ regularizing examination etc. of University are concerned these are required to be interpreted by the University Authorities itself and Courts should avoid to interpret the same unless a case of grave injustice is not made out otherwise it would become difficult for University administration to run its internal affairs relating to examination, etc."

In the above perspective, the rules, regulations and criteria is to be interpreted by the University authorities itself and the Courts should avoid interpreting the same. Therefore, this Court desist from interpreting the rules and regulations set out by the University. However, above all, as per letter dated 02.07.2020, Dr. Arshad Fiaz,

relevant to Electromagnetic Theory, second preference of the petitioner, has already been appointed as co-Supervisor of the petitioner along with Dr. Qurat ul Ain Minhas. In the above facts and circumstances, I do not see any reason to issue any further direction. Accordingly, this writ petition stands disposed of.

~~(GHULAM AZAM QAMBRANI)~~
JUDGE

S.Akhtar