

Form No: HCJD/C-121.  
JUDGEMENT SHEET  
IN THE ISLAMABAD HIGH COURT, ISLAMABAD  
JUDICIAL DEPARTMENT

**I.C.A NO. 224 OF 2022**

Faheem Arshad

Vs

National University of Modern Languages, (NUML), Islamabad through  
its Rector, etc.

PETITIONER BY: Muhammad Faisal Malik, Advocate.

DATE OF DECISION: 09.06.2022.

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**BABAR SATTAR, J.-** The appellant has impugned judgment dated 16.05.2022 in through the writ petition No. 296/2020 decision of National University of Modern Languages ("**NUML**") dated 09.09.2019 was impugned, pursuant to which the representation for an extension in time for the defense of his Ph.D thesis was turned down. The writ petition was dismissed by the impugned judgment.

2. Learned counsel for the appellant contended that there was no time frame prescribed for completion of Ph.D program at the time when the appellant was admitted as a Ph.D student at NUML. He submitted that the Higher Education Commission ("**HEC**") had prescribed the requirement that the Ph.D program is to be completed within a period of up to eight years. That such requirement was promulgated as part of NUML Regulations for Examination, 2001 ("**Regulations**") as Paragraph 5.3 of Chapter V stating that the total duration for Ph.D program is 3 to 8 years. But that such regulation was not in the field while the appellant was admitted in the Ph.D program in January, 2009.

This aspect of the matter was not appreciated by the learned Judge-in-Chambers.

3. A perusal of the impugned judgment reflects that what prevailed with the learned Judge-in-Chambers was not the requirement of maximum duration of up to eight years prescribed in Paragraph 5.3 in Chapter V of the Regulations approved by NUML's Board of Governors in isolation. But such requirement, together with the appellant's own affidavit dated 08.12.2017 wherein he admitted that he could not submit his thesis by 13.12.2016 or 17.04.2017 and sought permission to submit his thesis after the expiry of the prescribed period before 31.01.2018. This led the learned Judge-in-Chambers to conclude that not only was the appellant aware that the maximum period for completion of the degree was expiring on 31.01.2018, but also that the University, as a special favour, granted to him permission to submit his thesis within an extended period on his own request. And it was only after expiry of such extended period that the Board of Advanced Studies and Research ("**BASR**") decided in its sixth meeting to strike off the name of the appellant from the roll of the University. The learned Judge-in-Chambers noted that NUML had shown indulgence while granting the appellant an extension in time for submission of his Ph.D thesis. But that the appellant admittedly failed to submit his revised Ph.D thesis by 31.01.2018 due to which his name was struck off from the rolls of the University.

4. In refusing to interfere with the decision of the BASR, the learned Judge-in-Chambers was guided by the dicta of the

august Supreme Court in **Khyber Medical University Vs. Aimal Khan** (C.P No. 3429/2021) wherein, the following was held:

7. *Raison d'être of courts is to settle disputes, which come before them. It is not the constitutional mandate of the courts to run and manage public or private institutions or to micro-manage them or to interfere in their policy and administrative internal matters. Courts neither enjoy such jurisdiction nor possess the requisite technical expertise in this regard. Court should step in only when there arise justiciable disputes or causes of action between the parties involving violation of the Constitution or the law.*

8. .... *The reduction of the disqualification-period by the High Court, in contravention of the relevant law, is an example of judicial overreach or judicial overstepping, where law is ignored or modified by the court to give way to personal emotions and sense of compassion. Such exercise of judicial power is not permissible.*

5. The learned counsel for the appellant has failed to convince us with that the impugned judgment suffers from any legal infirmity. A perusal of the record reflects that the appellant was aware of the requirements of Regulations, which prescribed the maximum period of eight years for purposes of completion of Ph.D program. And further that the appellant by filing an affidavit before the University himself sought permission to be granted extension for submission of his revised Ph.D thesis before the expiry of eight year period. And while his request for extension was granted by NUML he was unable to submit his thesis within the period he had sought. The learned Judge-in-Chambers has correctly appreciated the law as laid down by the apex Court in **Khyber Medical University** and refused to interfere with the exercise of authority by NUML as it is for the

University to decide in accordance with its Regulations as to the entitlement of students to be conferred with Ph.D degrees (or any other degree for that matter).

6. For the foregoing reasons, we find that the appeal is without merit and is **dismissed** in *limine*.

(TARIQ MEHMOOD JAHANGIRI)  
JUDGE

(BABAR SATTAR)  
JUDGE

\*Shakeel Afzal\*