

JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P.. No.2685/2018

Faheem Arshad

Versus

National University of Modern Languages (NUML) through its Rector
and others

Date of Hearing: 01.07.2019

Petitioner by: Mr. Naseem Ahmed Shah, Advocate

Respondents by: Mr. Nauman Munir Paracha, advocate
Mr. Tahir Mahmood, Additional Director,
NUML

MIANGUL HASSAN AURANGZEB, J:- Through the instant writ petition, the petitioner, Faheem Arshad, impugns the decision dated 30.05.2018, taken by respondent No.1 (National University of Modern Languages), to strike off his name from the rolls of respondent No.1/university.

2. Learned counsel for the petitioner submitted that the petitioner had completed his Ph.D thesis, titled "*Exploring the Construal of Gender in Pakistani Fiction in English: A Feminist Critical Discourse Analysis*"; that subsequently, the Ph.D thesis submitted by the petitioner was processed for foreign and local evaluation; that after the said evaluation process, the petitioner was intimated on 19.02.2018 that the final defence of his thesis would be held on 28.02.2018, but subsequently, the petitioner was informed that he had been struck off from the rolls of respondent No.1/university; that till date, no reasons whatsoever have been communicated to the petitioner for taking such a drastic measure against him; and that the petitioner's representation seeking the reasons for the said decision has not been responded to by respondent No.1/university. Learned counsel for the petitioner prayed for the writ petition to be allowed in terms of the relief sought therein.

3. On the other hand, learned counsel for respondent No.1/university submitted that the primary reason why the petitioner's name was struck off from the rolls of respondent No.1/university was that he had failed to submit his thesis within the

stipulated time; that the petitioner had been granted several extensions for the said purpose; that finally, the Board of Advanced Studies and Research ("B.A.S.R.") given the deadline to the petitioner as 30.12.2016 to submit his thesis; that since the petitioner was not able to submit his thesis within the said deadline, the B.A.S.R., in its meetings held on 23rd and 24th May 2017, decided to strike off his name from respondent No.1/ university's rolls; that till date, the petitioner has not formally submitted his thesis; that the thesis was submitted by the petitioner through a forwarding sheet on 07.12.2017; that the petitioner had explicitly stated that respondent No.1/university would not be held responsible, if the petitioner did not manage to complete the remaining formalities till 31.01.2018; that since the petitioner did not complete the required formalities by 31.01.2018, his case was placed before the B.A.S.R. in its 6th meeting; that vide e.mail dated 30.05.2018, the petitioner was informed that in the 6th B.A.S.R.'s meeting, it had been decided to strike off his name from respondent No.1/university's rolls; and that the impugned decision does not suffer from any legal infirmity so as to warrant interference in the Constitutional jurisdiction of this Court. Learned counsel for respondent No.1/university prayed for the writ petition to be dismissed.

4. I have heard the contentions of the learned counsel for the contesting parties and have perused the record with their able assistance.

5. The record shows that in January, 2009, the petitioner was granted admission with respondent No.1/university for an M.Phil degree leading to Ph.D program. After securing an M.Phil degree, the petitioner embarked on the Ph.D program in English Linguistics- "Exploring the Construal of Gender in Pakistani Fiction in English: A Feminist Critical Discourse Analysis".

6. The petitioner claims to have submitted his thesis to his Supervisor in March/April, 2017. He also claims to have received a positive evaluation report from the foreign and local referees. After this, the petitioner claims to have incorporated the recommendations made to him in the final round of his Ph.D thesis.

7. Respondent No.1/university's stance was that the petitioner had availed extensions for the submission of his Ph.D thesis and that he was given a deadline of 30.12.2016 in the 3rd meeting of the B.A.S.R. to submit his thesis. The petitioner did not meet the said deadline. He requested for an extension until 31.03.2017 for the submission of his thesis. In the 4th meeting of the B.A.S.R. held on 23rd and 24th May, 2017, it was decided to strike off the petitioner's name from the rolls of respondent No.1/university. The petitioner was informed about the decision by respondent No.1/university vide letter dated 13.06.2017. The petitioner was also informed about the said decision vide respondent No.1/university's e.mail dated 02.08.2017.

8. The petitioner also swore an affidavit in which he admitted that he could not meet the deadline given by the B.A.S.R. for the submission of his thesis. He also deposed that the responsibility would rest with him, if the evaluation process of his thesis exceeds the maximum deadline of 31.01.2018, and that if the Higher Education Commission ("H.E.C.") did not attest his degree, respondent No.1/university would not be responsible.

9. The H.E.C., vide letter dated 17.02.2017, brought to respondent No.1/university's notice that a number of Ph.D degrees had been awarded by respondent No.1/university in violation of the applicable rules and H.E.C.'s policy regarding maximum duration of Ph.D degrees. Respondent No.1/university was requested to ensure that no Ph.D degree was issued in violation of the H.E.C.'s policy/rules and the university rules. The National Quality Assurance Committee of the H.E.C. had approved the maximum and minimum duration for Ph.D programs to be three to eight years. It was expressly mentioned in H.E.C.'s letter dated 18.03.2016 that the said policy was admissible on students admitted after the issuance of the said letter. Since the petitioner had been admitted to the Ph.D program in respondent No.1/university in the year 2009 (by which time there was no time limitation fixed by H.E.C. for the completion of Ph.D program), the said time limitation mentioned in H.E.C.'s letter dated 18.03.2016 would not apply to the petitioner.

10. The minutes of the meeting held on 28.09.2016 at respondent No.1/university to discuss the matter of Ph.D degrees beyond eight years shows that respondent No.1/university had not defined the overall duration for the award of Ph.D degrees *“but had prescribed time limit for submission of the thesis”* for Ph.D degrees to be three to five years. If respondent No.1/university had already prescribed the time limit of three to five years for the submission of Ph.D thesis, the petitioner should have no cause to voice his grievance against the decision of respondent No.1/university for not submitting his thesis in a completed form. The petitioner had also not submitted his thesis in a completed form within the extended period granted by respondent No.1/university. Be that as it may, it is an admitted position that the petitioner did not even submit his Ph.D thesis within a period of eight years. In this view of the matter, learned counsel for the petitioner has not convinced me to issue a writ directing respondent No.1/university to issue his Ph.D degree.

11. The question as to whether the petitioner had formally submitted his Ph.D thesis complete in every respect within the deadline fixed by the B.A.S.R. in its 4th meeting held on 23rd and 24th May, 2017, is a disputed question of fact, which cannot be resolved without the recording of evidence. This exercise is not permissible in exercise of writ jurisdiction by this Court.

12. I am of the view that it is not the domain of this Court to interfere in the internal policy matters of an educational institution/university. In taking this view, I am supported by the law laid down by the Superior Courts in the cases of University of Health Sciences Vs. Arslan Ali (2016 SCMR 134), Government College University, Lahore Vs. Syeda Fiza Abbas (2015 SCMR 445), Muhammad Ilyas Vs Bahauddin Zakriya University, Multan (2005 SCMR 961), Muhammad Sadiq Vs. University of Sindh (PLD 1996 SC 182), Pakistan Medical & Dental Council Vs. Raza Muhammad (1992 SCMR 1621), Ahmed Vs. Vice Chancellor, University of Engineering & Technology (PLD 1981 SC 464), and University of Dacca Vs. Zakir Ahmed (PLD 1965 SC 90).

13. In view of the above, this writ petition is dismissed with no order as to costs.

14. Before parting with this judgment, I have observed that the petitioner's representation dated 02.04.2018 has till date remained undecided by the Rector of respondent No.1/university. It is expected that the Rector of respondent No.1/university would decide the petitioner's said representation with an independent application of mind and uninfluenced by the observations made herein above. In deciding the said representation, it ought to be borne in mind that respondent No.1/university had informed the petitioner that the defence of his thesis was scheduled to be held on 07.03.2018 which date was subsequently postponed.

(MIANGUL HASSAN AURANGZEB)
JUDGE

Qamar Khan*