

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT**

Justice Muhammad Ali Mazhar  
Justice Syed Hasan Azhar Rizvi

**C.M.A.Nos. 481-K, 494-K & 495-K of 2023 IN  
CIVIL PETITION Nos.1368-K to 1370-K/2023**

(On appeal from the Order dated 01.02.2023 passed by  
the High Court of Sindh at Karachi in C.P. No.D-3895 &  
D-4206/2020)

Muhammad Ali (Haider)	:	(In CP.1368-K/23)
Zulfiqar Ali & others	:	(In CPs.1369-1370-K/23)
...		<b>Applicant(s)</b>

**Versus**

Province of Sindh through Chief Secretary Govt. of Sindh & others	...	<b>Respondent(s)</b> (In all cases)
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For the Applicants(s)	:	Ms. Abida Parveen Channar, AOR In person (In CMA.481-K/23) In Person (In CMA.494-K/23) In Person (In CMA.495-K/23)
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For the Respondent(s)	:	Mr. Sibtain Mehmood Addl. A.G. Sindh
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For HEC	:	Mr. Mukesh Kumar Khatri, ASC
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For Pakistan Bar Council	:	Mr. Ghulam Rasool Mangi, AOR Mr. Salahuddin Gandapur, ASC
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Karachi University	:	Mr. Shoaib M. Ashraf, ASC Mr. Ameer Uddin, ASC
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Date of Hearing	:	17.12.2024
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**ORDER**

**Muhammad Ali Mazhar, J.** – The aforesaid Civil Misc. Applications and Civil Petitions are directed against the judgment of the High Court of Sindh at Karachi, passed in C.P. Nos.D-3895 of 2020 and 4206 of 2020.

2. The bone of contention is that the Karachi University ("University") introduced a doctoral program in the field of law but apparently failed to adhere to the basic criteria prescribed by the Higher Education Commission of Pakistan ("HEC"). In order to ensure due compliance of the prescribed instructions, the HEC conducted an inquiry and

submitted the report to the High Court. The report highlights several shortcomings and defaults on the part of the University in offering the doctoral program in the field of law to various admitted/enrolled students.

3. The objections/findings in the report *inter alia* highlight that no full-time, permanent Ph.D. faculty members were engaged for teaching and conducting research for the Ph.D. program, which was considered a blatant violation of the HEC law/rules. In addition, several other shortcomings were also noted in the findings rendered in the report, along with certain recommendations, including that the University should halt all activities related to the Ph.D. program, such as conducting classes, holding examinations etc., unless they fulfil and comply with all requisite formalities outlined in the HEC law and rules.

4. Three learned advocates argued that at least 70 students have been admitted/enrolled in the Ph.D. program including them. They have filed three Civil Miscellaneous Applications ("CMAs") for seeking permission to argue and challenge the judgment of the High Court on the grounds that the impugned judgment adversely affected their interests. Since they were not parties in the Constitutional Petitions filed in the High Court, they wish to challenge the impugned judgment. The aforesaid CMAs are allowed, and the office was directed to allocate numbers to their petitions. Before signing this order in chamber, the office had already marked the numbers on the petitions, which are accordingly mentioned in this Order.

5. A re-evaluation of the impugned judgment of the High Court demonstrates that it is in fact based on the inquiry report submitted by the HEC, wherein they have noted various non-compliances of the HEC law and rules and they have also submitted certain recommendations for compliance with the requisite formalities. Although the petitioners have challenged the impugned judgment to safeguard their interests, we cannot ignore the ground reality that unless the doctoral program is conducted in full compliance with the required formalities and criteria laid down in the HEC rules and regulations, the University cannot complete the Ph.D. programme or award degrees to the successful candidates. If such a programme is allowed or continued in violation of the relevant law, rules, and regulations, the ultimate sufferers would be

the students who joined the programme, devoted much time and sheer dedication, and, in the end, would have their qualifications declined by the HEC. This must be the grave concern of the University, rather than the students who got admitted to the programme in good faith and dedicated their time and precious money to acquire a doctoral degree in law.

6. The learned counsel for the University argued that they have made strenuous efforts to engaging full-time faculty members in the program but failed to find suitable candidates for the posts. He further argued that the University may be allowed to hold meetings with the competent authority of the HEC to resolve the issues and make the programme stable and workable.

7. The learned counsel for the HEC also assured that if the University approaches the HEC, the matter can be resolved and in this regard, Mr. Salahuddin Gandapur, ASC, who appears on behalf of the Pakistan Bar Council also assured that to safeguard the interests of the students and the doctoral degree programme, he offers his help and assistance if invited in the meeting convened between the University and the HEC.

8. By consent of the parties, the aforesaid Civil Petitions are disposed of in the following terms:

1. The Vice Chancellor of the University will constitute a three-member Committee that will approach the HEC for resolution of all pending issues related to the non-compliance of the HEC laws, rules, and regulations by the University for the doctoral degree programme in the field of law and make serious efforts to rectify the shortcomings and defaults.

2. The Chairman/Director General HEC will also nominate a three-members Committee to sit with the Committee members of the University and both Committee members will discuss the issues and try to resolve the same in the best interest of the students and the institution.

3. As far as the difficulty of hiring permanent faculty members due to non-availability of suitable candidates is concerned, the learned counsel for the University informed us that some senior advocates have shown their intention to join as visiting faculty members rather than permanent faculty members. This issue may also be taken up by the members in the meeting to deliberate upon and adopt some via media to resolve, as according to the learned counsel of the University, advertisements have been

published in newspapers several times, but no suitable candidate for permanent appointment could be shortlisted.

4. The learned Additional Advocate General, Sindh, Mr. Sibtain Mehmood, and Mr. Salahuddin Gandapur, ASC, have also agreed to provide their help and assistance if they are invited to join the meetings of the Committee in advance, in writing.

5. Last but not least, the learned counsel for the HEC has assured that the HEC will make their utmost efforts to resolve all issues amicably to protect the doctoral degree programme.

6. The entire exercise should be completed within a period of two months and a compliance report shall be submitted by the learned counsel of the HEC in this Court for considering it in chambers.

7. The HEC, as a final authority, will decide the issues with independent application of mind without being influenced by the findings recorded by the learned High Court in the impugned judgment.

Judge

Judge

Karachi  
17.12.2024  
Khalid  
Not Approved for reporting.