

# **HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD**

**C.P. No. D- 1338 of 2023**

[ Dr. Shakeela v. University of Sindh Jamshoro & others ]

**BEFORE:**

**JUSTICE ADNAN-UL-KARIM MEMON  
JUSTICE RIAZAT ALI SAHAR**

For hearing of MA 3098/25

For hearing of MA 5113/24

Barrister Jawad Ahmed Qureshi, Advocate for Petitioner

M/s. Kamaluddin & Unaib Kamal, Advocate for University

Mr. Irfan Ahmed Qureshi, Advocate for alleged contemnors 4 & 7

Mr. Rafiq Ahmed Dahri, Asstt: A.G.

Date of hearing & decision: 04.12.2025

## **ORDER**

**ADNAN-UL-KARIM MEMON J.-** This Constitutional Petition was disposed of vide judgment dated 19.4.2024. An excerpt of the judgment is reproduced as under:-

“9. Without indulging in factual controversies, which is beyond the scope of Article 199 of the Constitution of Pakistan, 1973, the case for appointment for subject post is remanded to the Selection Board of the University, who is hereby directed to assess de novo the suitability of petitioner for the post she applied for, and recommend her selection or rejection to the University Syndicate based upon cogent reasons and clear yardstick for selection or rejection within a period of two months.

10. We also observe the multiplicity of litigations emanating from the Universities functioning in the Sindh Province due to one reason or the other; therefore, Secretary Universities and Boards, Government of Sindh is hereby directed to issue necessary directions, in accordance with the law, to all the public sector Universities of the Province to adhere with rules of business for conduct of meetings of statutory bodies of the Universities and make speaking recommendations/decisions based on cogent reasons.

2. Following the disposal of aforementioned Petition, counsel has filed the listed Contempt Application MA No. 5113 of 2024, seeking initiation of contempt proceedings against the respondents for their failure to comply with the directions of this Court, both in letter and spirit. It is contended that the contemnors took no action in the matter during the prescribed period of two months (60 days). Instead, they issued a circular dated 21.05.2024, awarding BPS-22 to a meritorious professor, seemingly to favor certain individuals. He added that despite Court’s direction to consider and dispose of the petitioner’s case in accordance with law,

the contemnors failed to comply with the order and are allegedly attempting to prejudice the petitioner's fundamental right to equal treatment. The contemnors continue to violate the judgment of this Court by appointing individuals of their choice to positions above their qualifications while ignoring the petitioner's case, in clear defiance of the Court's orders. It is submitted that the contemnors have willfully disobeyed the Court's orders and, therefore, are liable to punishment under the law. Despite explicit directions, the respondents have not considered the petitioner's case and have willfully disobeyed the Court's orders, thereby committing an offense punishable under the Contempt of Court Ordinance. Further, he submitted that the University has failed to assess the petitioner's case after the matter was remanded, in accordance with the advertisement. The petitioner holds a Ph.D. in Education, which is the parent department of Distance Learning, placing her in a strong position. The respondents' malafide intentions are evident, as the Selection Board was not properly constituted, lacking the presence of an expert. According to statement dated 04.12.2025, the Department of Education is recognized as the main department in which the petitioner holds Ph.D degree. It is therefore prayed that Vice-Chancellor of the University be directed to constitute a proper Selection Board to decide the petitioner's case in accordance with the advertisement. As held in Sindh University Code, he prayed accordingly. For convenience's sake, an excerpt of the same is reproduced asunder:—

(5) In selecting candidates for the posts of Professors and Associate Professors, the Selection Board shall co-opt or consult three experts in the subject concerned and in selecting candidates for other teaching posts, two experts in the subject concerned, to be nominated by the Vice-Chancellor from a standing list of experts for each subject approved by the Syndicate on the recommendation of the Selection Board and revised from time to time.

#### Functions of the Selection Board

7(1) The Selection Board shall consider the applications received in response to advertisement and recommend to the Syndicate the names of suitable candidates for appointment to teaching and other posts (2) The Selection Board may recommend the grant of a higher initial pay in a suitable case for reasons to be recorded (3) The Selection Board may recommend to the Syndicate the appointment of an eminently qualified person to a Professorship in the University on terms and conditions other than those prescribed (4) In the event of an unresolved difference of opinion between the Selection Board and the Syndicate, the matter shall be referred to the Chancellor whose decision shall be final.

3. Learned counsel for the alleged contemnors submitted that at all times they have acted in accordance with law and have not violated or acted in contravention of the order dated 19.04.2024 passed by this Court. He stated that while performing official duties, the alleged contemnors have fully complied with the provisions of the University of Sindh Act, 1972, as amended. Consequently,

the contempt application is misconceived and is liable to be dismissed with costs. He further submitted that the alleged contemnors are highly qualified and experienced individuals, having held responsible positions within the University, including the office of Vice-Chancellor. He emphasized that the allegations made against them in paragraphs 4 to 9 of the affidavit supporting the application are baseless, false, and misconceived. Learned counsel then while narrating the relevant facts of the case, submitted that, the University of Sindh, Jamshoro, vide advertisement dated 29.03.2021, invited applications for the post of Professor in "Distance, Continuing and Computer Education." Nine candidates applied, of whom six were found eligible by the Scrutiny Committee, none having the required teaching experience at the postgraduate level as per HEC guidelines. The 173<sup>rd</sup> Meeting of Selection Board was held on 29.03.2023, where five candidates appeared for interviews. Vide Resolution No.2, the Selection Board found no candidate suitable and recommended re-advertisement of the post. The Syndicate, in its 206<sup>th</sup> Meeting held on 01.10.2023, confirmed the Selection Board's recommendation, resolving that the post should be re-advertised. Professor Asif Ali G. Kazi dissented, but the majority decision prevailed. The petitioner challenged these decisions by filing the present petition. In its judgment dated 19.04.2024, this Court remanded the matter to the Selection Board, directing to reassess the petitioner's suitability and submit its recommendation to the Syndicate within two months, based on cogent reasons. In compliance with the Court's directions, 174<sup>th</sup> Meeting of the Selection Board was held on 18.08.2024. All candidates, including the petitioner were interviewed, their documents verified, and expert reports reviewed. The Board recorded cogent reasons and submitted its recommendations to the Syndicate. The Syndicate, in its 208<sup>th</sup> Meeting held on 28.09.2024, considered the Selection Board's recommendations and, vide Resolution No.23 (41-A), approved the report and rejected the petitioner's claim. This decision was subsequently confirmed in 209<sup>th</sup> Syndicate Meeting on 23.02.2025. It was further submitted that Opponent No.2 had no role in compliance with the order dated 19.04.2024 and has been falsely and maliciously joined as contemnor. In view of the above, learned counsel submitted that M.A. No. 3098 of 2025 is wholly misconceived and deserves dismissal in its entirety.

4. This Court vide Order dated 19.04.2024 directed the Selection Board to reassess the petitioner's suitability and submit recommendations to the Syndicate within two months, providing cogent reasons. The Selection Board held the 174<sup>th</sup> Meeting on 18.08.2024, approximately four months after the Court's order, exceeding two months. However, all candidates, including the petitioner, were interviewed, documents verified, and expert reports were also reviewed. The Syndicate, in its 208<sup>th</sup> Meeting on 28.09.2024, considered the recommendations and rejected the petitioner's claim, confirmed in 209<sup>th</sup> Meeting on 23.02.2025.

5. The petitioner claims promotions and appointment of others as willful disobedience. The alleged contemnors submitted that these actions were unrelated to the Court's order and had no bearing on her case. Prima facie, there is a slight delay from the prescribed two months to the 174<sup>th</sup> Selection Board Meeting, but the alleged contemnors appear to have otherwise complied with the procedural requirements. Primarily, contempt of court requires willful disobedience of judicial order.

6. This Court's directions appear to have been substantially complied with, with proper documentation and reasoned decisions. However, if dissatisfied with the outcome, the petitioner's appropriate recourse is to challenge the merits of the decision through ordinary legal proceedings by filing fresh petition challenging the Syndicate's decision if their cause still subsists, subject to all just exceptions as provided under the law, rather than pursue contempt proceedings.

7. Based on the facts presented before this Court, the alleged contemnors do not appear liable for punishment under the Contempt of Court Ordinance, as there is no clear evidence of willful disobedience. The contempt application is dismissed based on the aforesaid factual position of the case.

JUDGE

JUDGE

Karar Hussain/PS\*