

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

C.P. No.D-1570 of 2025

[Iffat Batool Naqvi vs. Province of Sindh and Others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE RIAZAT ALI SAHAR

Mr. Muhammad Jameel Ahmed, advocate for the petitioner

Mr. Javed Ali Buriro, advocate for respondent No.3

Mr. Abdullah K. Leghari, advocate for respondents No.2 & 5to9

Mr. Rafique Ahmed Dahri, Assistant A.G. Sindh

Date of hearing & decision: 13.11.2025

ORDER

ADNAN-UL-KARIM MEMON J.- The petitioner, through this constitutional petition, seeks the following relief(s):-

- A. *That this Honorable Court may succinctly be pleased to declare the act of the respondent University in withholding/depriving the petitioner from appointment to the post of Professor, despite due recommendation by the Selection Board, illegal, unlawful, discriminatory, and violative of the petitioner's fundamental rights;*
- B. *That this Honorable Court may kindly be pleased to direct the respondent university to issue an appointment order in favour of the Petitioner for the post of Professor in light of the Selection Board's recommendation.*
- C. *That this Honorable Court may graciously be pleased to restrain the respondents from re-advertising or filling the said post through any other means till the final disposal of this petition, and no coercive action shall be taken against the Petitioner.*
- D. *That this Honorable Court may kindly be pleased to determine that the petitioner is entitled to the position of professor and further declare that the formation of the committee is in violation of the HEC directive and the notification dated 29.5.2023.*
- E. *That this Honorable Court may kindly be pleased to grant any other relief deemed just and proper in the circumstances of the case.*

2. The case of the petitioner is that she was initially appointed as a Research Fellow (BS-17) in 2003 and later, vide Order dated 31.05.2022,

appointed as Associate Professor (BS-20) with the approval of the Adjoined Selection Board. Following the University's advertisement dated 21.06.2022 for various posts including Professor (BS-21), the petitioner applied, fulfilled all formalities and was recommended by the Selection Board for appointment. However, the appointment process was subsequently halted.

3. Learned counsel for the petitioner submits that she possesses the required qualifications and experience and was duly recommended by the Selection Board for appointment. However, the Syndicate in its meeting on 11.02.2025 decided to form a Committee to assess the weightage of her research papers, which despite being constituted in February 2025, has neither met nor taken any action. The petitioner submitted applications on 12.05.2025 and 22.05.2025 seeking the Committee's meeting and access to her evaluation sheet, but received no response. It is further stated that although the Higher Education Commission directed the formation of Faculty Grievance Redressal Committee, and the University issued notification on 22.05.2023 in this regard; case of the petitioner was never placed before it. Counsel alleges *mala fide* intent and unjustified delay by the respondent-University, compelling the petitioner to approach this Court.

4. Learned counsel for the University contends that although the petitioner was recommended by the Selection Board on 22.01.2025, the recommendation required approval from the Syndicate who was the competent appointing authority. The Syndicate in its meeting on 11.02.2025 lawfully decided to constitute a Committee to re-evaluate the research papers of the petitioner under HEC criteria which was a *bona fide* measure to ensure fairness and academic integrity. It is further argued that the Faculty Grievance Redressal Committee though formed per HEC directions, lacked jurisdiction while the matter was pending before the Syndicate. The Syndicate's decision to defer the appointment was purely academic and procedural, made without *mala fide* intent; hence, the petition is not maintainable and merits dismissal.

5. Learned counsel for HEC and learned A.A.G Sindh submit that evaluating a candidate's qualifications, experience and research is the sole responsibility of University and that HEC and the Province of Sindh are only formal parties to the case.

6. The principle under Article 199 of the Constitution is clear that a Court cannot transform a disqualification into a qualification. In essence, courts

cannot intervene in a selection process to declare an ineligible or unsuccessful candidate as eligible or vice versa. If a candidate fails to meet the prescribed qualifications or does not succeed in the selection process, the Court cannot order his / her appointment on the grounds of sympathy or equity. The domain of Selection Committee is respected and courts act only in cases of illegality, procedural irregularity, *mala fide* conduct or violation of statutory provisions. In the present case, although the petitioner was recommended by the Selection Board on 22.01.2025, such recommendation required the approval of Syndicate, the competent appointing authority. In its meeting on 11.02.2025, the Syndicate decided to constitute a Committee to re-evaluate the petitioner's research papers in accordance with HEC criteria. The petitioner has reservations on such a proposition though it was a *bona fide* step to ensure fairness and maintain academic integrity. It is further contended that the Faculty Grievance Redressal Committee despite being constituted per HEC directions, lacked jurisdiction while the matter was under consideration by the Syndicate. The Syndicate's decision to defer the appointment was purely academic and procedural, and was taken without any *mala fide* intent. Be that as it may, without dilating upon such aspect of the case, it is well-established that eligibility criteria must be strictly observed. The judiciary's role is limited to ensuring fairness and legality, not to re-evaluate or substitute the expert judgment of the competent authority.

7. In view of the facts and circumstances of the case, and after hearing the arguments of all the counsel(s), this Court is of the considered view that the matter requires reconsideration by the competent authority of the respondent university. Accordingly, the case of the petitioner is remitted to the Syndicate/ competent authority of the respondent University to reassess her eligibility for appointment to the post of Professor strictly in accordance with law, rules, and HEC criteria. The said exercise shall be completed within sixty (60) days from the date of this order. In case the petitioner is found eligible in all respects, her candidature shall be duly considered for appointment to the subject post in light of the earlier recommendation of the Selection Board.

8. This petition stands disposed of in the aforesaid terms.

JUDGE

JUDGE