

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. NO. D-2394 of 2026

Date

Order with signature of Judge

Present:-

Mr. Justice Muhammad Saleem Jessar

Mr. Justice Nisar Ahmed Bhanbhro

PRIORITY

- 1) For orders on CMA No. 13888/2026.
- 2) For orders on CMA No. 9631/2026.
- 3) For hearing of CMA No. 9632/2026.
- 4) For hearing of main case.

03.06.2026.

M/s. Malik Naeem Iqbal & Muhammad Saleem Khaskheli,
Advocates for Petitioner.

Mr. Hakim Ali Shaikh, Additional Advocate General.

Mr. Sagheer Ahmed Abbasi, Additional Advocate General.

Mr. Ravi R. Pinjani, Advocate for Respondent No. 3.

Mr. S. Israr Hussain, Law Officer Universities & Boards Department.

Muhammad Saleem Jessar, J.

- 1) Per office note, this case has been directed to be taken up on 06.08.2026; however, learned counsel pleads urgency on the ground that the Respondents had filed F.C.P.L.A. No. 1255/2026 before the Federal Constitutional Court of Pakistan, where, after hearing the parties, the following order was passed:-

“AMIN-UD-DIN KHAN, CJ.- At the very outset, learned counsel for the petitioner has made a request that if the respondents are ready to argue the matter in the first week of June before the High Court, he will not press this petition before this Court. It is observed that the High Court may hear and decide the case as the parties agree to argue the matter. In this view, the counsel for the petitioner may move an application for early hearing before the High Court, and it is expected that the same will be attended to. As the parties agree to argue the matter in the first week of June, it is expected that the same will be decided by the High Court. This petition is disposed of as not pressed.”

Counsel submits that by granting application it may be converted into an application for antedate the case and the matter may be taken up today for hearing. Order accordingly.

2 to 4) Learned Counsel for the Petitioner submits that Petitioner is highly qualified person having done her MBBS degree, FCPS in Dermatology and MRCP from UK. He contends that Petitioner was appointed by the Respondent Jinnah Sindh Medical University on contingency basis vide Office Order dated 22.04.2025 and since then she continuously worked in the University as Assistant Professor and posted at Department of Dermatology and her service was lastly extended for 89 days vide Order dated 19.01.2026. He contends that in the intervening period University invited applications for appointment for the post of Assistant Professor in Dermatology Department wherein, she has applied but until now the meeting of the Selection Board has not been convened. He further submits that the post against which the Petitioner was appointed is a regular post and the Petitioner as a goodwill gesture, continued to work on a contingency basis for more than a year. The Respondents, vide Letter dated 14.04.2026, refused to extend her services; therefore, the instant Petition is maintained. He contends that the Petitioner was performing duties in the Department of Dermatology and was also imparting education to students. He submits that, if the Petitioner is not allowed to continue working in the said department, it will adversely affect the students. He, therefore, prays that until the selection process is completed by the Selection Board, the Petitioner may be allowed to continue working in the University in the same position.

Conversely, learned Counsel appearing for Respondent No. 3 (University) contended that the Petitioner was appointed on contingency basis and her Appointment Letter contained particular clause, “the service may be terminated at any time without issuance of a notice”. He contended that Petitioner’s service was not extended as her performance was not found satisfactory by the Chairman of the Department. He contends that the Petitioner will be allowed to participate in the selection process and submits that

within two weeks' time the meeting of the Selection Board shall be convened to appoint a teacher on regular basis. He placed reliance on the cases reported as **Amir Jamil Vs. University of Karachi through Registrar and 2 Others (2018 PLC (C.S.) 542)**, **Chief Executive Officer, Multan Electric Power Company Ltd, Khanewal Road, Multan Vs. Muhammad Ilyas and Others (2021 SCMR 775)**, **Khyber Medical University and Others Vs. Ajmal Khan and Others (PLD 2022 SC 92)** and **Vice Chancellor Agricultural University, Peshawar and Others Vs. Muhammad Shafiq and Others (2024 SCMR 527)**. He lastly prays to dismiss the Petition.

Heard arguments, perused the material available on record. Admittedly, the Petitioner worked in the University as Assistant Professor on contingency basis. Learned Counsel for Respondent No. 3 (University) was confronted as to the existence of any provision under the law which allowed the University to appoint any person as teacher on contingency basis, learned Counsel for University submits that nobody can be appointed on contingency basis. It transpired from the record that the Chairman of the department submitted Employees Evaluation Report wherein, the Performance of the Petitioner was shown to be "Below Average". Perusal of the report reveals that the same is an attempt to damage the future of the Petitioner as under the said report the Moral of the Petitioner has been declared as "Poor" and Intelligence has been declared as "Below Average" as well as her Integrity has been declared as "Poor". Even her performance in Financial matters have been stated to be "Below Average". The report on the face of it appears to be tainted with malice as no instance has been quoted in comments wherefrom it may be concluded that the Petitioner's Moral and Integrity was poor in nature. Furthermore, from the comments, it transpires that the Department of Dermatology was having only one teaching faculty member viz. this Professor who is also Chairman of the department. For

the sake of convenience Para 18 of the reply to the Petition furnished the University is reproduced below: -

“18. The contents of Para 14 are denied It is submitted that the Department of Dermatology at JPMC is a well-managed 25-bed unit. It is staffed by a strong academic team comprising: 01 Professor; 03 Senior Registrars (regular Grade 18 officers); 03 Medical Officers (regular Grade 17 officers), 25 Postgraduate Trainees and 15 House Officers.”

From perusal of above reply, it transpired that there is only one Professor in the Dermatology Department on Regular basis whereas, the Petitioner is working as Assistant Professor on contingency basis. If the Petitioner is removed from service definitely the taught will suffer the most. From perusal of the reply by University it transpires that the Petitioner has been victimized with malafide intentions by the Head of the Department, otherwise, there was no hurdle to continue her service on contingency basis. Since the Counsel for University has appraised that the meeting of the Selection Board will be convened within two weeks' time, therefore, depriving the Petitioner of her service without affording her right of hearing would tantamount to the violation of the fundamental right. The Evaluation Report submitted by the University prima facie, speaks about the intention of the Chairman of the Department to oust the Petitioner therefore, the said Employ Evaluation Report is declared as null and void and it shall not be a hurdle for the Petitioner for securing job in any institution including the Respondent University. Since the Chairman of the Department has already filed an adverse report against the Petitioner therefore, University administration is directed to exclude the Chairman Dr. Rabia Ghafoor from the meeting of the Selection Board for the appointment of Assistant Professor Dermatology as and when the same is convened. The case law cited by the learned Counsel for Respondent University are on different footings; hence, distinguishable.

For the foregoing reasons, case for the exercise of this Court's power of judicial review is made out. Consequently, this Petition is allowed. The Office Order dated 18.04.2026 is hereby set-aside. The Petitioner shall continue working under the earlier arrangement till the meeting of the Selection Board is held and permanent Assistant Professor is appointed in the Department of Dermatology. Office to send copy of this order to Respondents for information and compliance.

**JUDGE /
HEAD OF CONST. BENCHES**

JUDGE

Arshad

Mr. Justice Muhammad Saleem Jessar
Mr. Justice Nisar Ahmed Bhanbhro