

# IN THE HIGH COURT OF SINDH, KARACHI

**Suit No. 1111 of 2017**

Dr. Suleman and another  
Versus  
Higher Education Commission of Pakistan and another

Date of hearing : 14.06.2017  
Date of Order : 14.06.2017  
Plaintiff Nos.1 & 2 : Dr. Suleman and Federal Urdu University of Arts, Sciences and Technology, Karachi, through Khawaja Shamsul Islam, Advocate  
Defendant No.1 : Higher Education Commission of Pakistan, through Malik Naeem Iqbal, M/s. Faizan H. Memon and Muhammad Naeem Khaskheli, Advocates alongwith Javaid Ali Memon, Director, H.E.C, Regional Centre, Karachi  
Defendant No.2 : University of Karachi, through M/s. Moin Azhar Siddiqui and Ali Ahmed Turabi, Advocates alongwith Asif Mukhtar, Director (Legal), University of Karachi  
Intervenor : Farhan Ahmed Bugio, through Mr. Muhammad Haseeb Jamali, Advocate

## **ORDER**

**Zulfiqar Ahmad Khan. J:-** The case at hand is about the permissible extent of intervention of Courts at Universities' autonomy and in particular when a claim is made by the University that the doctorate degree entrusted upon the Plaintiff was obtained by the use of plagiarized material.

Brief facts of the case are that the Plaintiff is currently engaged as a Professor in Economics, as well as, acting as Vice Chancellor (V.C) at one of the public funded University of Pakistan namely Federal Urdu University of Arts, Science and Technology, Karachi where he was appointed as Lecturer (BPS-17) in 1986, whereafter he was promoted as Assistant Professor in 1999, which

post was upgraded from BPS-18 to BPS-19 in 2004 and in pursuance of implementation policy of 2009, he was given BPS-20 and was appointed as Associate Professor on 02.03.2010, upon him obtaining the alleged PhD degree in Economics awarded by the Defendant No.2 University of Karachi dated 01.06.2010, in compliance of the advertisement dated 26.09.2010, the Plaintiff applied for the post of Professor and he was accordingly selected and became Professor w.e.f. 15.12.2010. Since thereafter a vacancy for the senior most position within the Economics Department of Urdu University had fallen, which was filled on 18.12.2010 by appointing him as Dean, Faculty of Economics, Business Administration and Commerce. On 11.08.2015 he was appointed as acting V.C of the Urdu University, which position he still enjoys.

With this factual brief about the Plaintiff, now the attention could be focused as to the dispute at hand about the PhD degree awarded to him. As per the documents attached by the Plaintiff, he got admitted in a research program offered by University of Karachi in the Faculty of Arts by making payment of the appropriate fee on 16.06.2007. Interestingly on 03.07.2007 he enrolled himself to an M.Phil/PhD programme offered by University's Economics Department and paid the appropriate admission fee for the said programme in Economics also. Through a letter dated 05.10.2008 written on the letterhead of Urdu University, he made an application to the University of Karachi to convert his M.Phil into Ph.D. The said application was moved by the Plaintiff which was also signed by his Supervisor, Dr. Farooq Aziz who was Assistant Professor at University of Karachi and the topic for his PhD as proposed by him was as under:

"اسلامی نظریہ تقسیم دولت اور اس کے معیشت پر اثرات کا علمی اور  
تحقیقی جائزہ"

While these speedier than unusual promotions of the Plaintiff cautioned many in the education fraternity, allegations were leveled by his own research Professor Dr. Farooq Aziz about Plaintiff's plagiarized PhD thesis and the matter reached to the extent that the Registrar of the Urdu University issued a letter dated 20.04.2015 terminating services of the Plaintiff on the allegation of plagiarism by imposing major penalty of removal from service in accordance with Section 4(1)(b)(3) of Chapter 6 and Section 26(1)(l) of the of the Federal Urdu University of Arts, Science and Technology, Karachi Ordinance, 2002. The matter was subsequently taken up in the 20th meeting of Higher Education Commission Plagiarism Committee held on 16.10.2015 in Islamabad, which was convened by Professor Dr. Ghulam Raza Bhatti, Executive Director, HEC where per agenda item-3 regarding plagiarism allegation on the Plaintiff, the following decision was made:

“3. Plagiarism Allegations against Dr. Sulleman D. Muhammad, FUUAST, Karachi.

A compliant was received from Dr. Farooq Aziz, (PhD) supervisor of Mr. Sulleman D. Muhammad) Assistant Professor, FUUAST, Karachi. He has alleged that PhD thesis of Mr. Sulleman D. Muhammad was not evaluated through proper foreign experts, it is was not evaluated from Advanced Countries, and it is written in Urdu, Publications derived from PhD thesis are without name of supervisor etc. The University in its recent letter has informed that services of Dr. Sulleman D. Muhammad are terminated as Plagiarism Standing Committee has found him guilty of Plagiarism. The decision was taken in April, 2015.”

While the statute provided thirty days period for an aggrieved person to file an appeal before the competent forum against major penalty, appeal was not preferred by the Plaintiff thereby the order of Syndicate dated 20.04.2015 attained finality (according to one view). It was with this backdrop that the Plaintiff on 11.08.2015 was re-appointed as acting Vice Chancellor of the Urdu University of Arts, Science and Technology.

Since the 2002 Ordinance, as well as, Rules framed thereunder provide that no person who has been given a major penalty of dismissal from service could be reappointed, against such reappointment court cases were filed which are still pending. To give additional context to the matter at hand, after his appointment as acting VC, the Plaintiff allegedly convened a meeting of the Syndicate on 21.09.2015 with an objective to cancel the minutes of the Syndicate meeting held on 20.04.2015, where major penalty was imposed upon him. While Syndicate meeting could not do the needful, a committee comprising of three members was constituted to reconsider issue. However it is alleged that instead of waiting for the committee's deliberation, the Plaintiff directly placed the matter before Senate on 06.10.2015 in pursuance whereof the Plaintiff is now reemployed and holding the position of acting V.C of Urdu University.

As mentioned in the foregoing, while there are other litigations pending with regard the Plaintiff's qualifications to hold the office of acting V.C and the alleged illegalities committed in this process, the instant case will solely and objectively look in to the allegations regarding plagiarism in the Plaintiff's PhD thesis and will traverse the events that led the Plaintiff file the instant suit where a prayer has been made that PhD awarded to the Plaintiff on 01.06.2010 be declared valid, legal and not suffering from plagiarism. When the instant suit was filed, there was filed

alongwith it an injunction application being CMA No.7071/2017, in terms of which orders were sought that the Court be pleased to suspend the operation of the decision taken by the Syndicate of Karachi University on 20.04.2017, and from de-notifying the Plaintiff as acting V.C of Urdu University under the Syndicate decision dated 20.04.2017, and not to interfere in the working of the Plaintiff No.1 as acting V.C of Urdu University.

This Court was pleased to pass ex-parte interim order whereby inter alia the University of Karachi Syndicate was restrained from finalizing the minutes of meeting dated 20.04.2017. Where-after counter affidavit to the instant CMA was filed, as well as, an intervener application is also made (which was not granted). Since this order would primarily focus the allegation of plagiarism in the PhD thesis of the Plaintiff, what transpired in this pursuit from the date of the grant of PhD decree - till filing of the instant Suit could be summarized as under:

- (a) Plaintiff was awarded PhD Degree from the University of Karachi on 01.06.2010 under the supervision of Dr. Farooq Aziz.
- (b) After the award of degree, HEC received complaints about plagiarism and vide letter no.130-P/HEC/FUUA-66/2012/750 dated 19th September 2016 HEC requested the University of Karachi to de-recognize the PhD degree of the Plaintiff.
- (c) On 26.09.2016, the University of Karachi sent a letter to the Plaintiff along with the list of allegations submitted by the Deputy Director QA/HEC.
- (d) On 03.10.2016, Consultant Quality Assurance Division, HEC vide letter no. 130-P/HEC/FUUA-66/2012/846 providing clarifications again asked the University of Karachi to

withdraw the PhD degree of the Plaintiff as it became a clear case of major plagiarism.

- (e) On 08.10.2016 Plaintiff responded the above letter and denied all the allegations. In addition to this, he also informed that a Constitutional Petition No. 6199/2013 is pending in the Honourable High Court of Sindh in this context.
- (f) On 21.10.2016, the University of Karachi convened a meeting of Plagiarism Committee which resolved that the HEC should be asked whether in view of the above Constitutional petition, the University can discuss the matter or not. Similarly the Plaintiff vide letter dated 25th October 2016 was asked to inform the University about the current status of the above petition.
- (g) HEC through letter no.130-P-QA/HEC/FUUAST-66/2012/956 dated 02.11.2016 informed the Registrar of the University of Karachi that in petition No.D-6199/2013, Karachi University is not a respondent and hence there is no bar on the University to take up the matter.
- (h) On 03.11.2016 vide letter no. VC-2083, the Plaintiff also responded that the Hon'ble High Court has not imposed any restriction on Karachi University in the said Constitutional petition.
- (i) On 04.11.2016, Deputy Director QA/HEC informed the Registrar that plagiarism complaint against the Vice Chancellor of Urdu University is probed by the HEC, therefore no further investigation are required whereupon the Vice Chancellor of the University of Karachi decided to place the matter before the Plagiarism Committee.
- (j) A meeting of Plagiarism Committee of the University of Karachi was held on 8.11.2016 under the chairmanship of

the Vice Chancellor. The committee unanimously decided that to fulfill the legal requirements, rules and regulations of the HEC Plagiarism Policy, a sub-committee of three senior faculty members was constituted to examine the allegations contained in the HEC letters. Sub-committee had the following members:

- Prof. Dr. Nasiruddin Khan - Convener
- Prof. Dr. Shamshad Zarina - Member
- Prof. Dr. Anila Amber Malik -Member

The sub-committee was authorized to co-opt a subject expert also.

- (k) On 11.11.2016, HEC was informed on the progress in the case of Prof. Suleman D. Muhammad and HEC was requested to nominate its representative for the forthcoming meeting of Plagiarism Committee and it was also requested that the HEC's nominee to bring with him all the evidence of allegation contained as annexure with letter no.130-P-QA/HEC/FUUAST-66/2012/758 dated 19.09.2016 issued by Mr. Muneer Ahmed, Deputy Director, Quality Assurance Division, Higher Education Commission, Islamabad.
- (l) On 25.11.2016, the Registrar University of Karachi informed HEC that a meeting of Plagiarism Committee in respect of Allegations in PhD thesis of Prof. Suleman D. Muhammad is scheduled to be held at 2 p.m. on 06.12.2016 in the Vice Chancellors' (University of Karachi) Secretariat.
- (m) On 28.11.2016, HEC informed through letter No.130-P/QAD/HEC/2012/1076 that following three officers shall participate in the meeting:
- Prof. Dr. Arshad Ali, Executive Director HEC
  - Mr. Muhammad Ismail, Consultant QA, HEC

· Mr. Muneer Ahmed, Deputy Director QA, HEC

- (n) On 29.11.2016, a letter was sent by the Registrar to Prof. Suleman D. Muhammad asking him to be present in the Office of Vice Chancellor on 06.12.2016 and to bring with him all the evidences against charges of plagiarism contained in HEC's letters already sent to him.
- (o) A letter no. P.A/2016/1035/C regarding meeting of Sub-Committee on Plagiarism in respect of Ph.D thesis of Prof. Suleman D. Muhammad was sent to the convener and other members of the sub-committee.
- (p) The meeting of the Sub-Committee on plagiarism was held on 06.12.2016 where following were present:

- Dr. Muhammad Qasir -Chair
- Prof. Dr. Nasiruddin Khan
- Prof. Dr. Shamshad Zarina
- Prof. Dr. Anila Amber Malik
- Prof. Dr. Muhammad Nishat
- Dr. Mozzam Ali Khan
- 4 HEC Representatives

[It is important to mention that the Plaintiff was present in that meeting and was personally heard].

- (q) A meeting of the Sub Committee on Plagiarism was further held on 26.12.2016 where the following were present:

- Prof. Dr. Nasiruddin Khan - Convener
- Prof. Dr. Shamshad Zarina - Member
- Prof. Dr. Anila Amber Malik - Member
- Prof. Dr. Muhammad Nishat - Subject Specialist

[Deliberations of the said sub-committee are of prime significance, thus the same are reproduced hereunder]



**Minutes of the Subcommittee Meeting on the Plagiarism Complaint against Dr. Suleman D. Muhammad received from HEC (26-12-2016)**

A meeting of the Sub-Committee was held on December 26, 2016, 2:00 PM at Department of Chemistry, University of Karachi. Following attended the meeting.

Prof. Dr. Muhammad Nasiruddin Khan	Convener
Prof. Dr. Shamshad Zarina	Member
Prof. Dr. Anila Amber Malik	Member
Prof. Dr. Mohammed Nishat	Subject Expert

The complaint was received from the HEC vide letter no.130-P/HEC/FUUA-66/2012/750 dated 19<sup>th</sup> September 2016 requesting the University of Karachi to de-recognize the Ph.D. degree of Prof. Dr. Suleman D. Muhammad. On 26<sup>th</sup> October, 2016, Consultant, QA Division HEC informed about the decision of the HEC Plagiarism Standing Committee (PSC), vide letter no.130-P/HEC/FUUA-66/2012/846 and again requested Karachi University for the withdrawal of Ph.D. degree of Dr. Suleman D. Muhammad. The HEC also provided the **Detailed Plagiarism Report** prepared by the experts of the HEC as an Annexure of this letter.

The members of subcommittee carefully analyzed the report and pointed out some serious flaws in the report.

1. The format of the report apparently shows that it is generated through some software, indicating similarity index up to eight decimal places. But in fact the report was prepared manually, which is not a sensible way to count words and its similarity index.
2. Percentages copied from original sources, as given in the remarks, are incorrect.
3. A report was prepared without listening to the defendant which was against the rule.
4. A careful content analysis was required as the thesis is in Urdu.

In view of above mentioned weakness in the HEC report, the members of the Karachi University PSC decided to revisit the plagiarism complaint on the qualitative bases rather than quantitative. After thorough debate on the issue, members were convinced that Karachi University as an autonomous body is fully authorized to take any action based on its own findings and decision should also proportionate to the offense according to the principles of natural justice.

In this respect the committee finalized its observations and recommendations for the endorsement of the Karachi University Plagiarism Standing Committee and final approval from the Karachi University Syndicate.

**Observations**

1. The members of the committee unanimously agreed that thesis contains a substantial amount of plagiarized material.
2. The author of the thesis used various sources on a single page at different places of the thesis without paraphrasing. This type of patchwork or cut and paste is termed as Mosaic plagiarism.
3. The author replaced a single word in an original source and reproduced in his thesis, keeping most of the material verbatim.
4. The original essence of paraphrasing is not available.
5. Author arranged the references at two places in the thesis-
  - a) At the end of each chapter
  - b) At the end of the thesis

Both have different numbers. This format misguided the readers and created confusion.

**Recommendation.**

The following penalty is suggested by the subcommittee, which may be implemented after Syndicate approval.

- The Ph.D. degree of Suleman D. Muhammad should be withdrawn and Re-submission and Re-evaluation is required.

In addition to the above, following is also recommended:

1. BASR initiate an inquiry to investigate the SOP's adopted for the examination of the thesis, submitted by the Suleman D. Muhammad.
2. The notification of the plagiarism by Dr. Suleman D. Muhammad may be published in the media.

- (r) The next meeting of the Plagiarism Committee was scheduled to be held on 12.01.2017 and its recommendations on the subject were to be placed before the Syndicate to be held on 17.01.2017. For some unavoidable reasons the meeting could not be materialised. However the Plagiarism Standing Committee meeting in respect of the allegations on the Ph.D. thesis submitted by Prof. Suleman D. Muhammad did take place at 02:00 p.m. on 12th January 2017 and the report of the committee was presented for placing it before the Syndicate.
- (s) University of Karachi Syndicate in its meeting dated 17.02.2017 considered the report of the Plagiarism Standing Committee dated 13.01.2017 on the thesis of the Plaintiff as per agenda item No.4 regarding, with the exception of four members who wrote a dissenting note.
- (t) The matter related to Plaintiff's PhD thesis plagiarism was scheduled in the 62nd Syndicate's meeting of the University of Karachi to be held on 20.04.2017 where, as per agenda item 4, the findings given by the Syndicate on 17.02.2017 of the Plaintiff's PhD thesis plagiarism standing committee report dated 13.01.2017 was to be considered.

It is against the said 20.04.2017 meeting, this court was moved through this instant suit where orders are sought that the outcome of the said Syndicate meeting of 20.04.2017 where by majority vote it has been decided that on account of plagiarism found in PhD thesis of the plaintiff, PhD Degree awarded to the Plaintiff be considered cancelled from the date of the grant of the degree be stayed.

Today two applications, one being CMA No. 8016 of 2017 filed under Order VII Rule 11 CPC by the Defendant No.2 praying rejection of the instant application and second, CMA No.7071 of 2017, in terms of which Plaintiffs are seeking that the PhD degree awarded to the Plaintiff No.1 on 01.06.2010 by the Defendant No.2 be declared valid and legal as it does not suffer from any plagiarism are listed to be heard. Since in these circumstances Order VII Rule 11 application takes precedence, the learned counsel for Defendant No. 2 commenced his arguments by placing reliance on Section 51 of University of Karachi Act, 1972 in terms of which a bar on the jurisdiction of the Courts has been imposed. It would be prudent to reproduce full text of the said section, which is reproduced as under:-

**51. Bar of Jurisdiction:-** No court shall have jurisdiction to entertain any proceedings, grant any injunction or make any order in relation to anything done or purported to have been done or intended to be done under this Act.

Learned counsel for Defendant No.2 submitted that since the matter pertains to affirmation or otherwise of the PhD degree awarded to the Plaintiff No.1, which certainly is an act of academic nature to be performed by the University in its sole discretion, and since the universities are held to be centers of knowledge and need to be operated independently without any judicial interference to encourage research and dissemination of knowledge

which was the intent of bringing the aforementioned section in the University Act, 1972, thus the plaint ought to be rejected under Order VII Rule 11.

Learned counsel for the plaintiffs to the contrary submitted that such provisions are available in many other statutes including Customs Act but Courts at large have taken a view that for the greater administration of justice and in pursuance of the powers granted under the Constitution, courts could interfere even when the law bars such intervention. In support of his contention he contended that he has a number of judgments in this regard. When asked if there is any judgments where courts have ordered intervention when a plagiarism attack is made by the University on a PhD thesis of its own candidate, the learned counsel candidly admitted that there are no such precedents.

To me, while learned counsel for the plaintiffs has a case that Courts should ordinarily not to be deterred by the enactments curtailing the powers of Courts to provide justice (such as Customs law) however the matter at hand pertains to a University, that too, one of the most recognized institutions of the country, which has produced research scholars of international repute and the matter at hand is purely about quality of research conducted by a PhD student, where subject specialist (as well as the plaintiff's own advisor) has alleged that material used in the thesis is plagiarized.

To save his client's interest, the learned counsel for the plaintiffs contended that the plagiarism attack is motivated, aimed to serve vested interests, notwithstanding therewith, he made a reference to the Plagiarism Policy developed by Higher Education Commission. Not that the policy has any sanctity of law, act or regulation and a review thereof to my mind leaves much more

desirable to made part of the said policy. Be that as it may, whenever any research material is exposed with plagiarism attack, the degree awarding institutions as well as their regulators must use all possible means and resources to affirm the credibility or otherwise of such attack. In the case at hand, the Plaintiff No.1 was awarded Doctorate Degree in Economics by the University of Karachi on the research material appended to as Annexure A/29, which carries the title as under:-

"اسلامی نظریہ تقسیم دولت اور اس کے معیشت پر اثرات کا علمی اور  
تحقیقی جائزہ"

A perusal of the above title suggests that it could be used as good subject for a PhD in Islamyat and by no stretch of imagination in my humble view material contained in the thesis could be said to have added a fraction to the available knowledge on the subject on account of which a PhD Degree in Economics could be awarded. Notwithstanding these my personal views, now coming to the merit of the case, counsel for the plaintiffs by referring to the Plagiarism Policy of H.E.C submitted that codal formalities prescribed in the said Policy were not complied with in letter and spirit. He submitted that the Policy requires constitution of a Plagiarism Standing Committee (whereas instead a Plagiarism Sub- Committee was formed) therefore, any challenge made on account of plagiarism is devoid of due process of law. To further substantiate his arguments, he referred to Page 201 where per counsel, the allegations as to plagiarism were repudiated by the Federal Urdu University of Arts Sciences & Technology. To this counsel was advised that it's not fit for an institution in which an applicant was studying to issue such a declaratory statement. Such findings could only be given from the degree awarding institution, which is the University of Karachi and which, as shown

in the foreground must have spent hundreds of man-hours to consider all aspect of the Plaintiff's thesis alongwith subject experts and HEC regulatory staff. As could be seen from the above an appropriate Subcommittee was constituted by the University of Karachi, which gave its findings, as detailed on Page 213, wherein subjects experts were also included. In its observations the Subcommittee recorded as under:-

1. The members of the committee unanimously agreed that thesis contains a substantial amount of plagiarized material.
2. The author of the thesis used various sources on a single page at different places of the thesis without paraphrasing. This type of patchwork or cut and paste is termed as Mosaic plagiarism.
3. The author replaced a single word in an original source and reproduced in his thesis, keeping most of the material verbatim.
4. The original essence of paraphrasing is not available.
5. Author arranged the references at two places in the thesis
  - a) At the end of each chapter
  - b) At the end of the thesis

As aftermath of the above findings, the counsel was advised that in all educated societies when a scholar is charged with a claim of plagiarism, he immediately resiles and let the regulators using whatsoever means available, sometimes giving him an opportunity of being heard, or even otherwise take the decision and pass appropriate orders. It seems that the confusion in the mind of the Plaintiff No.1 as well as his counsel is that having awarded PhD degree the Plaintiff was given a license or lease that ought to be cancelled by a full scale trial. To me, there are no vested rights in a PhD degree facing challenges for plagiarism. The degree awarding institution awards such a degree in recognition of the research conducted by the individual, therefore, at any juncture it surfaces that the research was plagiarized or did not

originally belong to the researcher, University should be solely free to use all available force to recall such a degree and take disciplinary action against the perpetrator too. To me, it's just like an Olympian facing accusation of doping. No matter how hard work he/she did to win the medal, as soon as doping charges are proved by experts, the medal is stripped away.

Be that as it may, the question still remains that to what extent courts could interfere in such academic functions of a University. S.R. Dongerkerry defined University autonomy as “a university's right of self-government, or its right to govern its own affairs, and particularly, its right to carry on its legitimate activities of teaching and research without interference from any outside authority.” Interference with the autonomy of universities around the globe has been studied from numerous angles. While universities' freedom is constrained by legislation that creates them, by governments that fund them, by professional associations that regulate accreditation, by politicians who sit on policy making bodies of universities, and by behavior of university staff, faculty and students *however minimalistic approach has been offered to courts to interfere in academic affairs of a university.*

A good reading on this subject is **Courts and Universities – The Impact of Litigation on University Autonomy** by Elizabeth C. Wright and ground realities could also be checked by the study of book entitled **University Autonomy in India** (1967). Wright's paper have reviewed the courts' attitudes toward academic autonomy in theory and in practice and it determines whether the traditional “rules” of academic abstention or deference have changed over the years. The author suggests that the rules have remained the same but that judges' opinions have shifted in response to changing societal attitudes toward the university. The

paper considers whether the courts interfere unjustly or unduly with the academic autonomy of the universities. If they do, it is important to ascertain why and in what ways they interfere. This paper is based on the research carried out during the 1980-81.

“... The court’s function is to hold universities accountable to the Constitution of India, to the university Acts and statutes, and to other laws, regulations and contracts that apply to universities. These legal constraints exist in the absence of the courts. *The judiciary simply is called to supervise alleged breaches of conduct within narrow criteria for judicial review developed in administrative law.* These rules of decision prevent the courts from substituting their judgment for the judgment of the experts in administrative agencies.

In practice, the court’s role is broader than this benign supervisory repertoire indicates. The judiciary is a link that connects all the other constraints on the university autonomy. Litigation activates forces that bind universities’ freedom of decision. Just as a tree falling in a forest makes no sound unless someone is there to hear it, the university has a measure of autonomy from legal and political constraints in the absence of judicial scrutiny. Courts may make the constraints more intrusive by enforcing them, or may loosen unreasonable restrictions on the autonomy.

In summary, universities have autonomy within certain recognized constraints. The courts scrutinize university activities when asked to do so by the people who feel that they have been affected unjustly by university decisions. Through their review, the courts impose constraints or



mitigate them and enforce some of their own constraints in the interest of justice. The causes of university litigation extend beyond mere breaches of law or procedure. Considerations of natural justice, abuse of power, mala fides and other principles of administrative law take the judges into areas that cannot be fenced off as “academic” and beyond proper jurisdiction of the courts. Academic matters are interwoven with all university concerns and, therefore, litigation of any content or result has an impact on academic autonomy.

The case of *King v. Chancellor, Masters and Scholars of the University of Cambridge*, is also of relevance where a writ of mandamus was issued against the English university in 1718. In response to the university’s objection to the court’s jurisdiction to issue such an order, it stated:

It is the glory and happiness of our excellent constitution, that to prevent any injustice no man is to be concluded by the first judgment; but that if he apprehends himself to be aggrieved, he has another Court to which he can resort for relief; for this purpose the law furnishes him with appeals, with writs of error and false judgment: and lest in this particular case the party should be remediless, it was (sic) become absolutely necessary for this Court to require the university to lay the state of their proceedings before us; that if they have erred, the party may have right done him, or if they have acted according to the rules of law, that their acts may be confirmed.

By making reference to the Allahabad High Court which was presented with a fact situation in *Shudarshan Lal v. Allahabad University*, the point is highlighted where the petitioners were students who failed the first year Bachelor of Science examination. Because they failed the first year examinations the students were refused permission to take the second year examination even though they attended appropriate second year classes. The court

found that the students had no right to take the examinations; the university rules were clear on the consequences of failure and the university had statutory authority to set the rules relating to examinations and conferring degrees. The court would not interfere in this case because of its conclusion that the students were in error. It stated:

It is a great pity that the applicants, instead of diligently applying themselves to their studies and qualifying themselves for promotion to the B.Sc. 2<sup>nd</sup> Year class, should have thought it fit to move this Court for a writ or order against the University. This Court is most reluctant to entertain such applications especially as it is extremely desirable that the students should be under the full control & guidance of the University and its staff and, unless the act complained of is clearly beyond the jurisdiction or is clearly against the rules of natural justice, this Court will not interfere in such matters which relate to internal working of the University.”

A review of the forgoing very clearly suggests that the window to interfere in academic autonomy of a university is very limited and I find it in resonance with the intent of section 51 that the Courts should not interfere, in least to say academic research issues particularly at the doctorate level where the case is about a PhD degree. It to be kept in mind that a PhD degree is an award given to a research scholar in reorganization of him/her having added valuable knowledge to the prior or existing art, therefore, in the case at hand I am of a view that this Court should refrain from interfering in the question as to whether the Plaintiff's degree should be cancelled or not on the alleged ground of plagiarism in his PhD thesis, as this Court will never be in apposition better than the position taken by the learned professors at the University of Karachi assisted by the subject specialist, who have passed their judgment in the Syndicate meeting dated 20.04.2017 in this regard. It is for the above reasons, I am convinced that I have to

adopt minimalistic approach refraining to interfere in the academic affairs of the Defendant No.2 thus the counsel for the said Defendant has made a compelling case for the rejection of this plaint along with its all pending applications, which I am ordering. Thus CMA No.8016 of 2017 is allowed. The plaint is rejected along with all of its applications.

JUDGE

Barkat Ali/PA