

ORDER SHEET  
HIGH COURT OF SINDH AT KARACHI

**Suit No.893 OF 2017**

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DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)  
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- 1.For orders on CMA No.6074/2017
- 2.For hearing of CMA No.5654/2017

04-05-2017

Mr.Khawaja Shamsul Islam, Advocate a/w the Plaintiff.  
Mr. Abid S. Zuberi, Advocate for the Defendant No.8  
a/w Muhammad Haseeb Jamali  
Mr Hussain Ali Almani, Advocates for the Defendant No.3  
Mr.Salman Talibuddin, Additional Attorney General.  
Mr. Ziauddin Junejo, Assistant Advocate General and  
Ms.Marzia Begum, State Counsel

Syed Junaid Ahmed, Additional Secretary (HE),  
Governor House.

Defendant No.6 professor Dr.Muhammad Umar Farooque  
is also present.

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Basically the plaintiff has challenged the notification for the appointment of defendant No.8 as Acting Vice Chancellor in the CMA No.5654/2017. The matter was heard on 12.4.2017, 14.4.2017, 19.4.2017 and finally on 28.4.2017 when the directions were given to comply with the judgment passed C.P.Nos.D-6945, 7383, 6341, 7064 and 7660 of 2015, which is reported in **2016 PLC (C.S) 1232 (Pakistan Medical Association (Centre) vs. Chancellor DUHS & others)**. On last date of hearing the learned Additional Attorney General as well as Secretary (Universities and Boards) Chief Minister's Secretariat and Additional Secretary (HE) Governor House informed that

as per last summary proper notification of permanent induction of Vice Chancellor will be issued.

Today, learned Additional Attorney General has produced a copy of notification dated 29.4.2017 whereby the worthy Chancellor has appointed Prof. Muhammad Saeed Quraishy as Vice Chancellor, DUHS in terms of paragraph 22 of the Summary dated 31.5.2016 as advised by Government of Sindh. The issue of appointment of defendant No.8 as Acting Vice Chancellor is over. One more document dated 2.5.2017 has been produced by the learned Additional Attorney General that Prof. Muhammad Saeed Quraishy has taken the charge of his post as Vice Chancellor, DUHS with effect from 2.5.2017. After this latest development, the controversy of acting charge is over and in my view the suit has served its purpose but learned counsel for the plaintiff pointed out prayer clause (e) in which he has also challenged that the defendant Nos.5, 6 and 7 are not eligible for the post of Vice Chancellor and he wants that the suit may proceed on this account. In prayer clause (c) the plaintiff has challenged that the defendant No.8 cannot hold the post of Pro-Vice Chancellor. The challenge to the additional charge or acting charge as Vice Chancellor based on earlier judgment of this court reported in **2016 PLC (C.S) 1232** had altogether different premise and now in compliance, the competent authority

has issued notification for the appointment of Vice Chancellor for four years term. For the rest of the prayers made in the suit, I am of the view that aggrieved person may file writ of quo warranto if so advised, but the plaintiff's counsel wants some time to satisfy this court that the rest of the relief may be granted under Section 42 of the Specific Relief Act and there is no necessity to file writ of quo warranto.

The learned counsel for the plaintiff is put to notice to satisfy this court regarding the maintainability of this suit for the remainder. Injunction application is disposed of. Adjourned to a date in office.

Judge

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