

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. No.D-559 of 2018

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Agha Faisal.

The Metropolitan University.....Petitioner

Versus

Islamic Republic of Pakistan & others.....Respondents

Date of hearing 18.10.2018

Mr. Obaid ur Rehman advocate for the Petitioner.

None present for the Respondents.

Muhammad Ali Mazhar, J: The petitioner has challenged the letter dated 18.09.2017 issued by Higher Education Commission to the Registrar of the petitioner's university. This letter is basically based on second inspection report carried out by the respondent No.2 and 3 and the recommendation made by the Accreditation Committee which are as under:-

“i. Major concern of the committee was of regular faculty which has not been hired by the University as yet on permanent basis. This was revealed by interviewing the available faculty on individual basis:

ii. The program of Computer Science has been proposed to be offered in the 'Faculty of Engineering' with non-relevant faculty whereas only one department of Education has been proposed under the faculty of Social Sciences. The concept of 'Faculty' and 'department' needs to be understood clearly and restructuring of departments needs to be carried out rather than proposing four (4) faculties separately.

iii. The pharmacy department/lab was devoid of relevant equipment.

iv. The ownership of ten (10) acres of land is in the name of an individual only whereas, it must be in the name of sponsoring Foundation of the proposed University viz, Muhammad Ayub and Brother (MAB) Foundation and it must have permission from the relevant department of Government of the Sindh for construction of University.

v. The Library was found deficit in terms of 1500 books in the relevant field per department.”

2. In concluding paragraph a request was made for the compliance and removal of deficiencies for further processing the case by respondent No. 2 and 3 in order to issue NOC, however, strict condition was laid down that no admission will be announced by the university till the deficiencies are met and NOC is issued by HEC. Though the respondents and DAG are called absent but the learned counsel for the petitioner pointed out the comments of respondent No.2 and 3 filed through the office of DAG. In the comments it has been stated that Federal Cabinet has approved criteria for establishment of university/degree awarding institute in the month of February, 2002 and the same was provided to all provincial governments. As far as the inspection carried out in the case of petitioner is concerned, it is further stated in the same comments that upon inspection it revealed that claims made by the university (petitioner) were not true and serious shortfall in terms of qualified faculty, necessary lab equipment, library books were noted and the land of the university was also not in the name of MAB foundation. These powers were exercised by the commission to ensure maintenance and uplifting of national academic standards and avoid mushrooming of institutions or sub-standard education across the country. However, in response to ground B as well as prayer made in the comments, it is clear that HEC will re-inspect the premises of the petitioner and accreditation will only be awarded to the university

(petitioner) upon satisfactory fulfillment of cabinet criteria as prescribed in Federal Universities Ordinance, 2002.

3. In the comments filed by the respondent No. 2 & 3 though various deficiencies have been pointed out in view of inspection report but the learned counsel for the petitioner argued that at the moment all necessary formalities have already been complied with, objections raised by the Inspection Committee have been removed and the petitioner institute is ready for re-inspection by all means. Since a clear response has been given in the comments that the accreditation and NOC can only be granted after re-inspection and in unison learned counsel for the petitioner is also of the view that all formalities have been complied with and re-inspection may be carried out at an early date, therefore, this petition is disposed of with the directions to the respondent No. 2 & 3 to carry out the inspection of the petitioner's institution within a period of one (01) month and after due fulfillment of the laid down criteria and formalities, the case of NOC for the accreditation may be considered in accordance with law. Copy of this order may be transmitted to the Chairman, Higher Education Commissioner, Islamabad and Director General (Accreditation & Attestation), High Education Commission, Islamabad for compliance.

JUDGE

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