

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. No.D-3566 of 2018

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.
Mr. Justice Agha Faisal.

Azmat Rehan... ..Petitioner

Versus

Province of Sindh & others.....Respondents

Date of hearing 04.09.2019

Mr. Nasir Rizwan Khan advocate for the petitioner.

Mr. Awais Jamal advocate for the respondent No.3

Mr. Jawad Dero, Addl. A.G. a/w Ihtasham, S.O., SGA&CD,
Khalid Mehar, D.D. (Admin), Sindh Higher Education
Commission and Mudasir Khan, Director, University & Board.

Muhammad Ali Mazhar, J: The petitioner has challenged the notification dated 26.01.2018 issued by the Chief Secretary, Sindh, whereby, the respondent No.3 was re-appointed as Chairman, Sindh Higher Education Commission for one more similar term. Learned counsel for the petitioner at the very outset pointed out sub-Section (5) of Section 6 of the Sindh Higher Education Commission Act, 2013 which is reproduced as under:-

“(5). The Chairperson and the members shall hold office for a period of four years and shall in no case be eligible for re-appointment for more than one similar term”.

2. It is clearly mentioned in sub-Section (5) that the Chairman and other members shall hold office for a period of

four years and shall in no case be eligible for reappointment for more than one similar term. Learned counsel for the petitioner submits that after expiry of initial four years term, the respondent No.3 has been reappointed on similar term which is clearly reflecting from the notification dated 22.01.2018. According to the understanding of the learned counsel, this appointment could have been made for only one term. Mr. Mayhar Kazi advocate also assisted the petitioner's counsel for the interpretation of above section and found no illegality in the reappointment.

3. According to our understanding of the above provisions, there is no embargo or restriction for reappointment of more than one term on similar condition and the learned counsel for the petitioner himself admits that this is not a third term but it is a reappointment for second term. This petition for quo warranto is not maintainable. The petitioner has failed to point out any violation of the law or illegality in the appointment of the respondent No.3 for the second term. The petition is dismissed in limine with pending application.

JUDGE

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