

**ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.**

C.P. No.D-1274 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(s)
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1. For orders on office objections.
2. For orders on M.A. No.8152/2023 (contempt).
3. For hearing of M.A. No.7004/2023 (stay).
4. For hearing of main case.

26-09-2023

Mr. Ali Almani advocate for the petitioners.
Mr. Allah Bachayo Soomro, Additional Advocate General Sindh.
Mr. Rafique Ahmed Dahri, Assistant Advocate General, Sindh.
Mr. Ovais Ali Shah advocate for respondent No.2.
Mr. Omer Memon advocate for respondent No.3.
DSP Ghulam Nabi Khoso, PDSP Hyderabad.
DSP Muhammad Paryal Morio SDPO Chalrgri Hyderabad.
SIP Mirzo Khan SSP office Hyderabad.

Comments of respondent No.2 are taken on record. Statement of the petitioners' counsel with certain attachments, including an order of Division Bench of this court passed in High Court Appeal No.280 of 2023, is also taken on record. Progress report of the Senior Superintendent of Police, Hyderabad, is also taken on record.

This petition virtually challenges the intervention and unlawful occupation of respondent No.2 / an individual who completed his tenure for the office of Vice Chancellor of the Isra University. The subject issue was subjudice initially in a Suit wherein an interim order was passed, and the aggrieved person challenged it in High Court Appeal No.280/2023. The appeal has been decided and so also controversy by way of some injunction, in a way indirectly made a part of this constitution petition as well. The conclusion drawn by the Division Bench in High Court Appeal No.280/2023 virtually summed up in terms of paragraphs No. 12 and 13 which are reproduced as under for convenience:

“12. As such there is no necessity or reason for the appellant to continue in the office of Vice Chancellor or continue to fulfill the functions of that office which office he ceased to hold after the expiry of his 3 year tenure on 23.06.2023 and to enable him to do so would defeat the purpose of the legislature whereby it was expressly provided in S.8(2) Isra Act what would happen in the event that the office of the Vice Chancellor became vacant.

13. This being the case the impugned Order is upheld and the Chancellor is at liberty to act in accordance with S.8(2) of the Isra Act

as the post of Vice Chancellor is admittedly vacant in order to run the affairs of Isra University until such time as a new Vice Chancellor is appointed in accordance with the law. We however expect that a new Vice Chancellor be appointed expeditiously and within 4 months of the date of this order.”

Office of the the acting Vice Chancellor has been described with clarity in terms of Section 8(2) of Isra Act. On account of vacant position of the Vice Chancellor post, Mr. Ahmed Waliullah Kazi has now been appointed as acting Vice Chancellor by the Chancellor. Until and unless a regular Vice Chancellor is appointed in accordance with law and scheme of the Act, the acting V.C. would continue, however, the concern of all the counsel in attendance is that a heavy contingent of police has been deployed to maintain law and order situation even inside the University premises. The situation is created by the Board members and faculty members themselves and only they are to be blamed if such recourse is reached. However, the deployment is only to rescue them from a situation where law and order situation could have been aggravated more. Officer of police has now filed a statement disclosing that the disputed office bearer for the post of Vice Chancellor has been evicted, and charge has been handed over to the acting Vice Chancellor named above, and hence as far as the inner cordon of the security is concerned, their deployment is not required unless otherwise ordered by this Court.

In view of the above, it appears that the dispute at the moment that concern with the office of V.C. is resolved by appointment of acting Vice Chancellor, till such time a regular Vice Chancellor is appointed and things are set at rest, subject to a challenge of the order of the Division Bench in the above HCA, which intention is shown by Mr. Ovais Ali Shah, advocate for respondent No.2.

In view of the above, we would direct the police officials to leave the University premises and be at the outer cordon of the security outside university premises after handing over the security of Isra University to be streamlined and articulated by its Chancellor, acting Vice Chancellor and Registrar who shall make efforts to secure the Campus through their internal arrangements by deploying private security if it is so advised, required and decided by the Chancellor, acting Vice Chancellor and the Registrar or as the scheme of the Act provides. The acting Vice Chancellor and the Registrar of the University shall ensure that faculty members should not be deprived to perform their duties as required under the law.

In view of the above, the petition stands disposed of.

JUDGE

JUDGE