

“Result cancelled and further debarred for three years, allowed to appear in annual exam 1992”

3. *Learned counsel contends that such decision is not reflecting whether aggrieved person was heard nor any record was called from the Islamia Law College or appearance of its representatives but they decided summarily in order to defame a Judge of Islamabad High Court mainly because of a letter written by six Judges of that High Court and the matter is subjudice before the Apex Court. He further submits that such decision has not only amounted defamation but also given license to the public at large to defame the Hon'ble Judge through social media as he is also one of the signatories of that letter. Learned counsel for the petitioners further contends that against any Judge of the Supreme Court or High Court, there is a specific forum which is Supreme Judicial Council. If the college or University was of the view that there is issue of a degree of that Judge, then they were required to approach Supreme Judicial Council, instead they proceeded on their own whims without considering the seriousness of the issue and decided the fate of a degree received in 1991 after the delay of 33 years. He has referred press released of Karachi University available at Page-41 of the file which speaks that such degree is invalid. He further agitates that there is mala fide on the part of Islamia Law College so also University as they initiated this process knowingly that their act is not sustainable under the law. He lastly prays for suspension of the order of Unfair Means Committee and subsequent decision of Syndicate.*

4. *The arguments presented by the learned counsel for the petitioners carry substantial weight, as it is yet to be ascertained whether the decision of the Unfair Means Committee dated August 17, 2024, as well as the Syndicate's ruling declaring the degree of Mr. Justice Tariq Mahmood Jehangiri as invalid, are in conformity with the applicable laws and regulations. From the record it appears proceedings were carried out by Unfair Means Committee without hearing Mr. Justice Tariq Mahmood Jehangiri, which prima facie shows that he was condemned unheard. As such, we are of the view that impugned decision was made in sheer violation of Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973; wherein rights of every citizen are protected for fair trial, but unfortunately no opportunity of hearing was extended to Mr. Justice Tariq Mahmood Jehangiri and the manner so adopted appears to be highly objectionable, illegal, void ab initio and without lawful authority. In any event, High Court has power under Article 199 of Constitution of Pakistan 1973 to issue a direction to a person performing within its territorial jurisdiction functions in connection with the affairs of the Federation, a Province or a local authority to refrain from doing anything that is not permitted by law to do, or to do anything which is required by law to do (a communi observantia non est recedendum). In the case reported as Abdul Rauf Rana vs. University of Balochistan through Chancellor, Governor House, Quetta and others (2021 CLC 2141), the result and degree of the petitioner was cancelled without providing him an opportunity of hearing, hence, the Balochistan High*

Court accepted the petition while declaring such decision as illegal, without lawful authority and void ab-initio, null and void.

5. Accordingly, this Court hereby directs that notices be issued to the Respondents, as well as the Deputy Attorney General and the Advocate General of Sindh, in order to seek their respective responses. In the meantime, we hereby suspend the operation of the impugned decision of the Unfair Means Committee dated August 17, 2024, as well as the Syndicate's declaration regarding the invalidity of Mr. Justice Tariq Mahmood Jehangiri's degree. Furthermore, the University of Karachi is hereby restrained from taking any coercive measures based on these decisions till the next date of hearing.

Be that as it may, issue notice to respondents as well as Advocate General Sindh and DAG. Meanwhile, order dated 05.09.2024 passed in CP.No.D-4336 of 2024 shall be treated as *mutatis mutandis* in this petition.

To come up alongwith CP.No.D-4336 of 2024 and CP.No.D-4348 of 2024.

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