

**IN THE HIGH COURT OF SINDH, KARACHI**

**Constitutional Petition No.D-287 of 2023**  
(Prof. Dr. Moonis Ahmar versus Province of Sindh & others)

Before:  
**Justice Muhammad Karim Khan Agha**  
**Justice Adnan-ul-Karim Memon**

**Date of hearing & order: 22.9.2025**

M/s Haider Waheed and Shahzeb Akhtar Khan advocates for the petitioner  
Ms. Saima Imdad, Assistant Attorney General Sindh  
Mr. Ameeruddin advocate for the University of Karachi / respondent No.4  
Mr. Ravi Pinjani advocate for respondent No.6

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**ORDER**

**Muhammad Karim Khan Agha J.** Petitioner has filed this Constitutional Petition with the following prayer(s): -

*Declare that the action of respondents No.1 and 1 of ignoring the cut-off date of 15.7.2019 for possessing 25 valid HEC recognized research publications and thereafter appointing the respondent No.6 as the Vice Chancellor of the respondent No.4 University is illegal, malafide, and unconstitutional;*

*Declare that the impugned notification dated 28.7.2022 is illegal, null, and void, and set aside the same;*

*Suspend any actions taken as a result of Impugned Notification dated 28.7.2022;*

*Declare that the respondent No.6 is ineligible for the candidature of the Vice Chancellor of the respondent No.4 University for reasons of not having 25 research publications as of the cut-off date of 15.7.2019;*

*Direct the respondent No.1 to notify the petitioner as the Vice Chancellor of the respondent No.4 University, i.e., the candidate who is placed second in line after the respondent No.6 in the recommendations of the respondent No.5 Committee placed before the Chief Minister, to uphold the principle of meritocracy as enshrined in the Dr. Iqrar Ahmed Khan case;*

2. A retired BPS-22 professor has filed this constitutional petition under Article 199, sub-Article (1), clause (b), sub-clause (ii) of the Constitution of the Islamic Republic of Pakistan, 1973, challenging the appointment of the current Vice Chancellor of Karachi University. The petitioner submits that his appointment is illegal and should be declared void because he did not meet the requirement of 25 Higher Education Commission of Pakistan's recognized research publications by the July 15, 2019, deadline, as disclosed in the advertisement. The petitioner requests that the notification dated July 28, 2022, be set aside.

3. Learned counsel for the petitioner has argued that the actions of the respondents are a derogation of the fundamental rights guaranteed by the Constitution of Pakistan. He argued that the initial advertisement for the Vice-Chancellor position required candidates to have 25 research publications by a deadline of July 15, 2019. This was later changed via a corrigendum to 15 publications, and the deadline was extended. The petitioner contends this change was made solely to benefit Respondent No. 6, who allegedly did not meet the initial requirement of 25 publications by the original deadline. The petitioner's counsel claims that the Search Committee (Respondent No. 5) and the Higher Education Commission (HEC) considered research publications of Respondent No. 6 that were published *after* the original deadline of July 15, 2019. The petitioner's own research suggests that Respondent No. 6 only had 18 publications before the cutoff date, not the required 25. The petitioner's counsel accuses the Search Committee of providing an evasive response to his requests for information regarding Respondent No. 6's publications. The committee stated that the HEC was responsible for verification, but the petitioner argues that the committee still had a responsibility to ensure eligibility. The HEC also failed to respond to the petitioner's letters. The petitioner's counsel alleges that the members of the newly formed Search Committee (Respondent No. 5) have a conflict of interest and are biased in favor of Respondent No. 6. The petitioner counsel questions the appointment of Respondent No. 6 as a full Professor (BPS-21), arguing that at the time of his promotion, he only met the qualifications for an Associate Professor (BPS-20). This, according to the petitioner, further disqualifies him from the Vice-Chancellor position, which requires a candidate to be qualified as a full Professor. He added that the petitioner, a BPS-22 professor, alleges that despite having better academic credentials, a candidate serving in BPS-21 was selected, which undermines the principle of meritocracy. The petitioner believes he was ranked second for the position. The petition cites relevant legal precedents and court decisions to argue that the actions of the respondents were arbitrary, irrational, and in violation of established legal principles regarding executive discretion and merit-based appointments. He prayed to allow this petition.

4. Learned Assistant Attorney General has submitted that HEC of Pakistan does not have a direct role in appointing vice chancellors for universities. The HEC's guidelines for selecting a vice chancellor are not mandatory and only serve as recommendations for public and private institutions. She submitted that the Government of Sindh advertised for the vice chancellor position at the University of Karachi, initially requiring 25 research publications and later reducing the number to 15. However as per clarification of HEC it has no direct involvement in this process, as it falls under the government's jurisdiction. The HEC did,

however, verified the academic credentials and publications of the candidates, including Respondent No. 6, Dr. Khalid Mahmood Iraqi, following an order from this Court in earlier round of litigation. The HEC's verification found that 35 of Dr. Iraqi's research articles were recognized, although seven were published after the application deadline. Based on these points, the AAG has requested that this court dismiss the petition HEC.

5. We have heard learned counsel for the parties and considered the record with their assistance.

6. The writ of *Quo Warranto* is provided for in Article 199, sub-Article (1), clause (b), sub-clause (ii) of the Constitution of the Islamic Republic of Pakistan, 1973. This sub-Article allows a High Court, on the application of any person, to make an order:

*"(ii) requiring a person within the territorial jurisdiction of the Court holding or purporting to hold a public office to show under what authority of law he claims to hold that office."*

7. There is no dispute regarding the legal proposition that the rights under Article 199 of the Constitution of Pakistan can be enforced only by an aggrieved person, except in the case where the writ prayed is for habeas corpus or quo warranto. Another exception to the general rule is the filing of a writ petition in the public interest. The existence of the legal right of the petitioner, which is alleged to have been violated, is the foundation for invoking the jurisdiction of this Court under the aforesaid Article. It is well settled now that if a person approaching the Court can satisfy that the impugned action is likely to adversely affect his fundamental right, which is shown to be having source in some statutory provision, the petition filed by such a person cannot be rejected on the ground of his not having the locus standi. In other words, if the person is found to be not merely a stranger having no right whatsoever to any post or property, he cannot be non-suited on the ground of his not having the locus standi. However, the Writ of quo warranto mustn't lie if the alleged violation is not statutory. However, we are cognizant of the fact that where an authority has the power to make rules relating to a subject matter and also the power to decide disputes arising in the field occupied by that subject matter, the two powers and functions must be kept distinct and separate. This dispute must be decided concerning the rules in force at the time the adjudication had to be made, and the rule-making power cannot be invoked for that adjudication.

8. The post of Vice-Chancellor is primarily an administrative position; therefore, administrative experience and other prerequisite qualifications, including 25 Higher Education Commission of Pakistan's recognized research publications by July 15, 2019, deadline, as disclosed in the advertisement, are key requirements. The Supreme Court in the case of *Dr. Iqrar Ahmed Khan Vs. Dr.*

*Muhammad Ashraf and others* 2021 SCMR 1509, has provided the basic guidelines concerning the appointment of Vice-Chancellors of the public Sector Universities on the analogy that the Search Committee is required to recommend names of three persons in the order of merit to the Government which shall proceed to notify the person of highest merit unless there are cogent reasons for not appointing him, which shall be duly recorded in writing and shall be justiciable.

9. In the present case, under Section 13(1) of the University of Karachi, Act 1972, as amended by Sindh Universities and Institutes Laws (Amendment) Act, 2018, which provides that there shall be a Vice-Chancellor of the University who shall be eminent academic and is qualified to be a full Professor in BPS-22 and shall be appointed by the Chief Minister for four years, which term may be extended for one or more time on such terms and conditions as the Chief Minister, Sindh, may determine, however that is subject to evaluation of candidature, during the tenure, he remained on the subject post; and, after fresh advertisement, that is primarily, essential for the smooth working of the Public Sector University. In the case at hand, the advertisement shows that the Applicant for the subject post must have Ph Ph.D. from an HEC-recognized university. At least 25 quality research publications in HEC-recognized journals. 20 years of experience in teaching or an academic position, with significant experience in senior administrative roles. Strong, inspiring leadership skills and a proven record of academic excellence. Must be 65 years of age or younger on the application deadline.

10. Following this Court order on January 26, 2022, the Higher Education Commission of Pakistan (HEC) was instructed to verify the qualifications and publications of candidates for the Vice-Chancellor position at Karachi University and report back to the Search Committee. However, the Sindh Provincial Assembly subsequently passed the Constitution of the Search Committee Act, 2022. This new law established a new process. A new Search Committee was formed under this Act, which then had the HEC verify the credentials of all 13 shortlisted candidates. After this review, only five candidates were deemed eligible and were interviewed on June 16, 2022. On July 28, 2022, Prof. Dr. Khalid Mahmood Iraqi was appointed as Vice-Chancellor based on the new committee's recommendations. The Supreme Court later noted that because the new law was in place, the original court's guidelines were not legally binding. The court disposed of the petitions, stating that any party could challenge the new Act or its implementation. Based on a scoring system out of 100, the top three candidates were ranked as follows:

*Professor Khalid M. Iraqi (64.2 points)*

*Professor Monis Ahmer (49 points)*

*Professor Syed Jamil Hassan Kazmi (45.1 points)*

11. The Section 13(1) of the University of Karachi, Act 1972, which states that the Vice-Chancellor must be an "eminent academic" qualified to be a full Professor and is appointed by the Chief Minister for a four-year term. The Chief Minister of Sindh is presented with a panel of the three top-ranked candidates for the final selection. The selected candidate should undergo a security clearance process with agencies like the Intelligence Bureau, Special Branch, and ISI, a practice previously approved by the Chief Minister for other appointments. Subsequently, respondent No.6 was appointed as Vice Chancellor of the Karachi University vide notification dated July 28, 2022. The HEC's verification also found that 35 of the petitioner's research articles were recognized, although seven were published after the application deadline. In such a situation, this court is not in a position to order for removal of the private respondents from the position of Vice Chancellor under the guise of writ of *Quo Warranto*, as apparently there is no inherent disqualification in him to hold the Public Office. The Chief Minister of Sindh, as the competent authority, interviewed the candidates and made an appointment to the subject position according to the law. Therefore, no court intervention is needed.

12. This Court is fortified by the case law reported in PLD 2023 SC 371, PLD 1969 SC 42, and PLD 2011 SC 516, where the Supreme Court held that the grant of relief in writ jurisdiction is a matter of discretion; it was quite legitimate on the part of the Court to test bonafide of the relator to see if he has come to the Court with clean hands. A writ like quo warranto, in particular is not to issue as a matter of course, on sheer technicalities, on a doctrinaire approach.

13. In the circumstances which we have narrated above in paragraphs supra, it is indeed difficult to hold that the private respondent did not have the requisite qualification to hold the office of Vice Chancellor as notification dated July 28, 2022.

14. In view of the foregoing discussion, the petition is accordingly dismissed along with the listed applications, if any.

HEAD OF CONST. BENCHES

JUDGE