

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No.D-2555 of 2024
(Taimoor & others v Province of Sindh & others)

DATE	ORDER WITH SIGNATURE OF JUDGE
	Mr. Justice Adnan-ul-Karim Memon Mr. Justice Zulfiqar Ali Sanghi

Date of hearing and order:- 28.01.2026

Mr. Usman Farooq, Advocate for the Petitioner.
Mr. Abid Jaleel Zubedi, Asstt. A.G, Sindh.
Mr. Ameeruddin, Advocate for Respondents No.2 and 3.

O R D E R

Adnan-ul-Karim Memon, J.- The petitioners Taimoor & others have filed the captioned Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer.

- a. *To direct the respondents to immediately commence the process of conducting student union elections at the University of Karachi in accordance with the Sindh Students Union Act 2019, the University of Karachi Act 1972 and the Constitution of Islamic Republic of Pakistan.*
- b. *To direct the respondents to formulate regulations and procedures for the conduct of student union elections within the stipulated time frame, ensuring transparency and fairness in the electoral process.*

2. The petitioners have approached this Court by submitting that the continued non-conduct of student union elections at the University of Karachi is unlawful, unconstitutional, and contrary to the Sindh Students Union Act, 2019, the University of Karachi Act, 1972, and Articles 17, 19-A, and 25 of the Constitution of the Islamic Republic of Pakistan, 1973. Petitioner No.1 claims to be an elected member of the Karachi Metropolitan Corporation, while Petitioners No.2 and 3 are claiming to be bonafide students of the University of Karachi who also claim to be directly affected by the absence of student union elections in the respondents university.

3. It is asserted by the learned counsel for the petitioner that both the Senate of Pakistan and the Provincial Legislature of Sindh have recognized student unions as a fundamental democratic right of students. The Sindh Students Union Act, 2019 mandates educational institutions to formulate regulations and conduct elections, which, despite repeated requests, has not been complied with by the University of Karachi. The petitioners' counsel further highlights the historic role of student unions in promoting democratic culture, student welfare, and leadership development, and relies upon recent developments such as the revival of student unions at Quaid-i-Azam University as a workable precedent. He submitted that since the rules have been framed, in pursuance of the Act as such this petition may be allowed and an appropriate direction may be issued

to the respondents for conducting the subject elections as per the rules newly framed. He prayed to allow the petition.

4. On the other hand, learned AAG has raised preliminary objections regarding the maintainability of the petition. It is contended that Petitioner No.1 lacks locus standi. It is submitted that no fundamental right has been violated and that a reasonable administrative delay in rule-making does not warrant constitutional intervention. The learned AAG further asserts that policy formulation and subordinate legislation fall within the exclusive domain of the executive, and this Court may should refrain from interference, in the absence of mala fide intent or unlawful omission. Learned AAG maintains that the government of Sindh fully acknowledges the Sindh Students Union Act and is committed to its implementation in letter and spirit subject to all just exception as provided under the law. It is emphasized that preparatory steps are actively underway to ensure the lawful and smooth implementation of the Rules once they are notified gazetted. He prayed to dismiss the petition, which is premature at this stage.

5. Having heard the learned counsel for the petitioners and the learned Assistant Advocate General at length, and after perusal of the record.

6. At the outset, it is observed that Petitioner No.1, being an elected member of the Karachi Metropolitan Corporation, is admittedly not a student of the University of Karachi as such no documentary proof has been placed on record to claim contrary and, therefore, lacks locus standi to invoke the constitutional jurisdiction of this Court in a matter where the statutory right, if any, vests exclusively in bonafide students. As regards Petitioners No.2 and 3, although they are enrolled students, the grievance raised by them does not disclose any present or enforceable violation of their fundamental rights so as to warrant interference under Article 199 of the Constitution and it is for the respondent university to take decision as per Act and rules.

7. It is a settled principle of law that mere delay in administrative or rule-making processes, absent mala fide, arbitrariness, or deliberate inaction, does not constitute a violation of fundamental rights. The Sindh Students Union Act, 2019, admittedly contemplates the framing of Rules and institutional regulations as a precondition for its effective implementation, which is the function of the government of Sindh.

8. The superior courts have consistently held that courts should refrain from interfering in matters of policy formulation and subordinate legislation, which fall within the exclusive domain of the executive, unless a clear case of illegality, mala fide, or constitutional transgression is made out which factum is missing in the case. It is also settled that judicial review does not extend to directing the executive on how and when to frame rules under a statute and after its frame implement it, as such this court is not in a position to say for and against at this stage. Furthermore, it is well settled that

constitutional jurisdiction cannot be invoked on speculative apprehensions or anticipated violations.

9. In the present case, the petitioners have failed to demonstrate any deliberate refusal or unlawful omission on the part of the respondents to implement the law. Prima facie, the conjectural fears do not furnish a valid cause for constitutional intervention.

10. In view of the above, this Court is of the considered opinion that the petitioners have failed to establish any legal right presently infringed, nor any corresponding legal duty breached by the respondents. Consequently, the constitutional petition is not maintainable and does not call for the exercise of discretionary jurisdiction under Article 199 of the Constitution.

11. Accordingly, for the reasons recorded hereinabove, the petition is dismissed, along with all pending applications. No with costs.

12. These are the reasons for our short order of even date whereby the captioned petition was dismissed.

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Hyder/PS