

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No.D-8499 of 2017

<u>DATE</u>	<u>ORDER WITH SIGNATURE OF JUDGE(S).</u>
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Direction

1. For hearing of CMA No.15353/2025 (Contempt).

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Dated 16.04.2026

Mr. Muhammad Awais Shaikh, Advocate for the Petitioner.
Mr. Ali T. Ebrahim, Advocate for alleged Contemnors No.3 & 4.
M/s. Muhammad Absar Hussain and Tariq Hussain, Advocates for alleged
contemnors No.1 and 2/HEC.

Alleged contemnors No.3 and 4 Syed Moazam Ilyas, Chairman PQA and
Shahnawaz Mangrio, Secretary PQA are present in person.

Ms. Wajiha Mahdi, D.A.G.

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ORDER

Adnan-ul-Karim Memon, J. Learned counsel for the applicant/petitioner submitted that this Court, while disposing of the constitutional petition vide order dated 28.01.2025, had issued clear and categorical directions to the Chairman, Higher Education Commission (HEC), and the Port Qasim Authority (PQA) to verify the authenticity of the petitioner's academic credentials and to submit a report within a period of ninety days. It was contended that despite the lapse of the stipulated period, no compliance report had been filed within time, nor were any meaningful steps taken by the concerned authorities to implement the directions of this Court. According to the learned counsel, such inaction on the part of the alleged contemnors amounts to willful disobedience of a lawful order of this Court, thereby attracting the provisions of Article 204 of the Constitution of the Islamic Republic of Pakistan, 1973, read with the Contempt of Court Ordinance, 2003. It was further argued that the continued non-compliance has not only prejudiced the petitioner but has also undermined the authority and dignity of this Court. On these premises, it was prayed that contempt proceedings be initiated against the Chairman HEC and Chairman PQA, and that consequential relief, including reinstatement of the petitioner with full back benefits, be granted.

2. Chairman Port Qasim Authority (PQA) present in Court along with his counsel submitted that, in compliance with the directions of this Court, as contained in order dated 03.12.2025, he duly revisited the matter and passed a reasoned speaking order after examining the entire record, the report furnished by the Higher Education Commission (HEC), and all material available on file. It was submitted that pursuant to the Court's direction, once the HEC report regarding verification of the petitioner's degree was placed on record, the obligation shifted upon PQA to pass an appropriate order in light of such findings, which was duly complied with. He emphasized that the purpose of the contempt proceedings stood substantially addressed once the verification report was submitted, and thereafter PQA acted promptly to finalize the matter. On merits, he submitted that the petitioner's MBA

degree from the University of East, Hyderabad, was completed in 2005; however, its recognition by the HEC was only confirmed much later, in the year 2019, which was subsequent to the petitioner's termination from service. It was argued that at the relevant time of appointment and continuation in service, the status of the said degree remained uncertain and could not confer a vested right upon the petitioner. It was further submitted that at the time of seeking appointment, the petitioner had also relied upon an earlier MBA degree purportedly obtained from the International University Missouri, USA, through its Karachi Centre. However, as per the record and the minutes of the Equivalence and Accreditation Committee of the HEC dated 25.06.2003, the said institution was declared a non-accredited university, and degrees issued either from its main campus or through its local outposts in Pakistan were categorically held to be unrecognized. It was thus submitted that the petitioner had relied upon a qualification which, in the eyes of the competent authority of PQA, lacked recognition. He further submitted that serious discrepancies were also found in the petitioner's claimed experience. The experience certificates and curriculum vitae submitted by him reflected overlapping periods of full-time employment with different organizations between 1994 and 2007, thereby casting doubt on the authenticity and credibility of the experience claimed. It was highlighted that for the post of Manager (Marketing and Tariff) (BPS-19), the prescribed requirement was a minimum of twelve years' relevant experience in a shipping company or a large commercial organization of repute, which the petitioner failed to fulfill at the time of his appointment. In light of the aforesaid facts, he submitted that the PQA, after due reconsideration, rightly concluded that its earlier decision to terminate the petitioner's services was lawful, justified, and based on valid grounds. Consequently, the said decision was reaffirmed and maintained through the speaking order. It was thus prayed that the stance of the respondent Authority be upheld, as no illegality or non-compliance could be attributed to it. He prayed to dismiss the contempt application.

3. Learned counsel appearing on behalf of the alleged contemnors, particularly the Port Qasim Authority, opposed the contempt application and submitted that the same is misconceived, frivolous, and not maintainable. It was argued that there has been no willful or deliberate disobedience of the order passed by this Court. Learned counsel pointed out that PQA had promptly acted in compliance with the Court's directions by forwarding the petitioner's documents and relevant record to the HEC through letters dated 17.03.2025 and 21.04.2025. It was further submitted that the HEC, in pursuance of the said directions, convened a hearing on 30.06.2025, which was attended by all concerned parties, including the petitioner and representatives of PQA. Thereafter, further correspondence ensued, and the matter remained under consideration before the competent authority of HEC for verification of the petitioner's degree.

4. Learned counsel for the HEC adopted a similar stance and submitted that substantial compliance with the Court's order has been made. It was explained that the process of verification required examination of historical records and scrutiny of the status of the University of East, Hyderabad, in light of HEC policies and decisions taken from time to time. It was contended that after affording an opportunity of hearing to all parties and considering the material placed on record, the HEC completed its inquiry and submitted its report before this Court. Therefore, it was argued that no element of willful disobedience could be attributed to the alleged contemnors. It was further contended on behalf of the respondents that once the report of the HEC had been placed on record and the PQA had thereafter passed a speaking order in light of the findings of the HEC, the very basis of the contempt application ceased to exist. Learned counsel emphasized that contempt jurisdiction is penal in nature and can only be invoked in cases of deliberate and intentional defiance of a Court order, which is conspicuously absent in the present case. It was thus prayed that the contempt application be dismissed.

5. After hearing the learned counsel for the parties and perusing the record, it emerges that the directions contained in order dated 28.01.2025 were primarily to ensure verification of the petitioner's academic credentials through the Higher Education Commission (HEC) and for submission of a report within a stipulated period of ninety days, followed by consequential action by the Port Qasim Authority (PQA) in light of such report.

6. The PQA emphasized that the International University Missouri was not authorized to operate in Pakistan and its degrees were/are unrecognized, while the Higher Education Commission (HEC) maintained that degrees from the University of East, Hyderabad, were no longer recognized after its ban. The petitioner, however, asserted that his MBA degree obtained in 2005 was duly attested by the HEC prior to the 2010 restriction and thus remained valid. The record reveals a clear dispute regarding the validity of the petitioner's degree, which raised disputed questions of fact not amenable to determination in constitutional jurisdiction as the matter relating to recognition and equivalence of degrees fall within the exclusive domain of the HEC, and courts ordinarily refrained from interference unless patent illegality is shown. Accordingly, the matter was referred to the Chairman, HEC, to verify the authenticity of the petitioner's degree after hearing all parties, and to submit a report within ninety (90) days, where after PQA was to take action in accordance with law. With these directions, the petition was disposed of vide order dated 28.01.2025.

7. Admittedly, there has been some delay in strict adherence to the timeline prescribed by this Court; however, the record reflects that the respondents did initiate the process of compliance by forwarding the relevant documents to HEC, whereafter proceedings were conducted, hearings were held, and ultimately a report was submitted before this Court.

8. Pursuant thereto, PQA has also passed a reasoned speaking order in compliance with subsequent directions of this Court. Thus, the substance of the order has been carried out.

9. It is a settled principle of law that for invoking contempt jurisdiction under Article 204 of the Constitution of the Islamic Republic of Pakistan, 1973, it must be established that the disobedience of the Court's order was willful, deliberate, and mala fide. Mere delay, administrative processing, or procedural lapse, without any element of intentional defiance, does not constitute contempt. In the present case, nothing has been brought on record to demonstrate that the alleged contemnors deliberately or intentionally flouted the orders of this Court. On the contrary, the material available suggests that steps were taken, though belatedly, to comply with the directions, and the process culminated in submission of the HEC report and passing of a final order by PQA.

10. Furthermore, once compliance has substantially been made and the very purpose of the original order stands achieved, the continuation of contempt proceedings would serve no useful purpose. It is also well settled that contempt jurisdiction, being penal in nature, must be exercised with caution and only in cases of clear, contumacious conduct, which is not evident in the instant matter.

11. As regards the prayer of the petitioner seeking reinstatement with back benefits, the same cannot be granted in the contempt proceedings, as contempt jurisdiction is confined to examining compliance of Court orders and does not extend to granting substantive relief on merits, particularly where the matter has already been decided through a speaking order by the competent authority.

12. In view of the above, it is held that no case of willful disobedience is made out against the alleged contemnors. The contempt application is, therefore, dismissed with no order as to costs. However, the petitioner is at liberty to challenge the speaking order passed by the Chairman, PQA, before the appropriate forum in accordance with law, if so advised. It is observed that this Court, while disposing of the main petition, had merely directed verification of the petitioner's degrees through the Chairman, HEC, and consequential action by PQA on the basis of such report after due hearing. Since the HEC report has been submitted and the PQA has passed a speaking order declining reinstatement and affirming termination, the petitioner's grievance, if still subsisting, may be agitated in appropriate proceedings in accordance with law.

JUDGE

JUDGE