

Order Sheet
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Const. Petition No.D-1632 of 2025

Date of hearing	Order with signature of Judge.
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Before:
Mr. Justice Zulfiqar Ali Sangi
Mr. Justice Riazat Ali Sahar

Hearing of case
1.For orders on office objections
2.For hearing of main case

03-11-2025

M/s Achar Khan Gabol, Shabbir Ali Bozdar and Badaruddin Memon
Advocates for the Petitioners.
Mr. Sheeraz Fazal, Advocate for the Respondent No. 4
Mr. Ali Raza Balouch, Additional Advocate General-Sindh
Maqsood Ahmed Khan Mughal, In-charge Principal College, A.B.D (Govt.)
Law College Sukkur, Respondent No.9 is present.

RIAZAT ALI SAHAR J.:- Pursuant to earlier orders, Respondent No.9 files statements to bank accounts of the A.B.D (Government) Law College, Sukkur, taken on record. The petition challenges the unlawful appointment and continued functioning of Respondent No.9 as Acting Principal of A.B.D. (Government) Law College, Sukkur, alleging massive corruption, mismanagement, and violation of the criteria prescribed by Supreme Court. It asserts that the Respondent, lacking requisite qualifications, manipulated college accounts, withdrew unauthorized salaries, made illegal appointments, reinstated dismissed employees, and appointed dummy staff to siphon funds exceeding Rs.80 million, while the Board of Governors’ tenure has expired, rendering all acts void. The petition seeks declarations against the Respondent’s appointment, directions for his removal, a forensic audit of the college accounts, annulment of illegal appointments, and enforcement of Supreme Court and Pakistan Bar Council directives to restore transparency, merit, and lawful governance in the institution.

2. Learned counsel for the petitioners submitted that the appointment of Respondent No.9 as Acting Principal of A.B.D. (Government) Law College, Sukkur, is illegal, void ab initio, and contrary to the binding judgments of the Honourable Supreme Court reported as *Pakistan Bar Council through Chairman and others v. Federal Government through Establishment Division and others* (2019 SCMR 389) and *Pakistan Bar Council through Chairman and others v. Federal Government through Establishment Division and others* (2018 SCMR 1891), which prescribe strict criteria for the appointment and functioning of Principals and faculty in law colleges across the country. He contended that Respondent No.9 neither possesses the requisite qualifications nor experience to hold such a post and was appointed in complete disregard of merit and transparency. It was further submitted that after assuming charge, Respondent No.9 grossly misused his position, indulged in large-scale corruption, unauthorisedly operated college bank accounts, withdrew excessive salary, made illegal appointments of faculty and non-teaching staff, reinstated dismissed employees, and usurped public funds amounting to approximately Rs.80 million. Learned counsel added that the Board of Governors, whose tenure has already expired, failed to perform its statutory obligations and allowed Respondent No.9 to continue unlawfully even after his retirement on 25.10.2024. It was urged that such blatant violation of law and misuse of authority has not only eroded the sanctity of legal education but also infringed the fundamental rights of students and faculty under Articles 4, 9, 18, and 25 of the Constitution. He therefore prayed that Respondent No.9 be forthwith removed from office, a forensic audit of all college accounts be conducted, and the concerned authorities be directed to fill the post of Principal strictly in accordance with law and the criteria laid down by the Honourable Supreme Court and the Pakistan Bar Council.

3. On the last date of hearing, Respondent No.9, Mr. Maqsood Ahmed Khan Mughal, submitted an undertaking before this Court, which was taken on record, wherein he stated that a qualified

accountant would be appointed forthwith to properly maintain the financial records of A.B.D. (Government) Law College, Sukkur, in a transparent manner. He further undertook to recover any outstanding dues, ensure proper maintenance of accounts, and take lawful measures to stabilize the college's financial position. He also assured the constitution of two functional committees — a Purchasing Committee and a Recovery Committee — to operate in accordance with college rules and regulations. It was further stated that no salary or payment cheques would be issued without the approval of the concerned committee, and all cheques would be crossed and dual-signed to ensure transparency and accountability. He undertook to curb all unnecessary expenditures and added that any appointments made during his tenure as visiting faculty would stand terminated if so directed by this Court, whereas other appointments were stated to have been approved by the Chairman, Board of Governors.

4. It is observed that the undertaking submitted by Respondent No. 9, rather than constituting an act of bona fide compliance, is in itself an implicit acknowledgment of his involvement in acts of mismanagement and alleged corruption. *Confessio in judicio est plenissima probatio* — a confession made in judicial proceedings is the strongest form of proof. The Respondent has thereby admitted that the accounts of the college were not properly maintained, that irregular payments were made, and that he now proposes corrective measures only after judicial intervention. Such conduct, viewed cumulatively with the record placed before this Court, discloses serious administrative impropriety and financial irregularity incompatible with his continued holding of public office.

5. It is further noted that Respondent No. 9 assumed charge as “Acting Principal” on 17-12-2022 purely as a *stop-gap* arrangement pending the appointment of a qualified permanent Principal. Nearly three years have elapsed, and the office continues to be occupied by the same individual under the guise of temporary charge — a

circumstance that offends both the spirit and the letter of administrative propriety. The prolonged continuance of Respondent No. 9 in an acting capacity has effectively defeated the very meaning of “stop-gap,” reducing it to a mockery of the recruitment process envisaged by law.

6. In the circumstances, Respondent No. 9 is hereby restrained from taking any further administrative or financial decision in respect of the College and is forthwith replaced from the office of Principal. The senior-most lecturer of A.B.D. (Government) Law College, Sukkur, next in order of hierarchy after Respondent No. 9, shall assume charge as the In-charge Principal and ensure that the day-to-day functioning of the institution continues smoothly and without disruption. The In-charge Principal shall constitute two functional committees, namely, a Purchasing Committee and a Recovery Committee, which shall operate strictly in accordance with the applicable rules and regulations of the College. The In-charge Principal shall further ensure strict maintenance of attendance records of all lecturers, and that salaries are disbursed only to those members of the faculty who are in regular attendance and actually performing their teaching duties, so as to eliminate the menace of ghost lecturers and unauthorised payments. No funds except the salaries and routine maintenance be used by the incharge Principal.

7. Respondents No. 4 to 7 are directed to submit a detailed reply within fifteen (15) days explaining why they have miserably failed to appoint a permanent Principal in accordance with the binding judgments of the Honourable Supreme Court reported as *Pakistan Bar Council v. Federation of Pakistan* (supra), which require that:

1. The Principal or Head of any law college must possess a Ph.D. in Law with at least eight years of teaching or practice experience, or alternatively, a Master’s Degree in Law with fifteen years of

experience, or be a retired Judge of the Supreme Court or a High Court, or a retired District & Sessions Judge having not less than five years of judicial service; and

2. The appointment process must be transparent, merit-based, and in strict conformity with the Pakistan Bar Council Legal Education Rules 2015 and the directions of the Higher Education Commission.

8. With the consent of Respondent No.9, this Court further directs learned District & Sessions Judge, Sukkur to appoint any reputable and well-renowned audit firm of Chartered Accountants to conduct a comprehensive audit of the College's financial affairs for the past three years, encompassing all receipts, expenditures, and financial transactions executed during the tenure of Respondent No. 9. The appointed firm shall complete the audit within six (6) weeks and submit its report before this Court. The expenses of the audit shall be borne by the College.

9. The official Respondents are also directed to initiate the process for appointment of a permanent Principal in accordance with law and the standards prescribed by the Honourable Supreme Court within two (2) months from the date of this order, ensuring transparency, merit, and adherence to the qualifications set out in the above-mentioned precedents.

10. The compliance report shall be filed before **22.12.2025**, when this matter shall be re-listed for further proceedings.

JUDGE

JUDGE