

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C.P No.D-5776 of 2018**

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Date Order with Signature(s) of Judge(s)

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**Fresh case**

1. For orders on Misc. 25035/2018 ( Urgent Application).
2. For orders on Misc. 25036/2018 ( Ex. Application).
3. For orders on Misc. No. 25037/2018 ( Stay application)
4. For hearing of main case.

09.08.2018

Mr. Muhammad Saad Siddiqui, advocate for the petitioner

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1. Granted.
2. Granted Subject to all just exceptions.

3&4. It is inter alia contended by the learned counsel for Petitioner that pursuant to the advertisement dated 26.12.2014 and subsequent addendum dated 30.01.2015, the Respondent University issued public notice for the post of Professor BPS-21 of Department of Chemistry (inorganic). Per learned counsel, Petitioner was declared successful candidate for the post applied for. The learned counsel for the Petitioner in support of his contention relied upon a letter dated 11.01.2016 issued by the Respondent-University disclosing the following factum:-

***“On recruiting of your papers/ application the Vice Chancellor has found you eligible for the post in the department in the Chemistry under the advertisement of December 2014”***

Learned counsel for the Petitioner emphasized that the Petitioner has been discriminated and in his place Respondents No. 7 & 8 are being considered for the aforesaid post and in this regard he moved an application for providing a copy of the decision / minutes of the Selection Board held on 28.06.2018 but nothing could be done in spite of knowing the fact that the Petitioner has been declared successful candidate upon scrutiny of his papers for the post of Professor (inorganic Chemistry) in BPS-21. Learned counsel for the Petitioner has drawn our attention that the Respondent University is going to finalize the minutes of the meeting in the next Syndicate Meeting for approval which is scheduled to take place on 11.08.2018 at 10.30 a.m. He lastly

prayed for restraining the Respondent-University from finalizing the minutes of the Selection Board dated 28.06.2018 in its meeting.

This Court at the very outset directed the learned counsel for the Petitioner to satisfy this Court regarding maintainability of the instant petition. In reply to the query he relied upon the case of Muhammad Rafi & other Vs. Federation of Pakistan & others ( 2016 SCMR 2146 and Pakistan Defence Housing Authority & others Vs. Lt. col. Syed Jawed Ahmed ( 2013 SCMR 1707) and argued that an aggrieved person can invoke the constitutional jurisdiction of this court against the public authority if the act of the public authority is violative of service regulation even if they are non-statutory.

To appreciate the contention as raised by the learned counsel for the Petitioner which is supported by the Judgment of the Hon'ble Supreme Court of Pakistan we deem it appropriate to issue notice to the Respondents as well as AAG for 20.08.2018 in the meanwhile the subject post of the Petitioner may not be finalized by the Competent Authority of the Respondent-University.

JUDGE

JUDGE