

**ORDER SHEET  
IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD.**

C.P. No.D-2574 of 2019.

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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	For orders on MA-11799/19 (urgency). For orders on office objection. For orders on MA-11730/19(exemption). For orders on MA-11731/19 (stay) For hearing of main case.
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20.11.2019.

Petitioner are present in person.

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1. Urgency granted.
2. Deferred for the time being.
3. Exemption is granted subject to all just exceptions.

4&5. The petitioners are aggrieved by the issuance of election schedule for membership of the Syndicate of University of Sindh vide Notification dated 12.11.2019. Per petitioners the Notification dated 12.11.2019 issued by the respondent-University is contrary to the terms of Section 22(1) (18) of Sindh University Act, 1972 as amended up-to-date; that there is no approval of selection board; that the petitioners are officials of the respondent-university and intends to participate in the ensuing election process as per resolution passed by the Syndicate in its meeting held on 05.10.2019; that petitioners objected on the Syndicate election on the premise that till it is defined that who would cast vote as per sub-section (xiii) of Section 2 of Sindh Universities and Institute laws (Amendment) Act, 2018, but their grievances could not be redressed, which act on the part of management of respondent-University is malafide who are intending to allow all categories of officers of BPS-17 and above to participate in the election which negates the legal position as discussed supra; that as provided under statute 22(i)(f) of Sindh University Code, it is mandatory to prepare / approve statute for conducting election for membership of the authorities of the University and related matters, however, University of Sindh Jamshoro has still not prepared any statute under provision of Section 22(1)(xviii); that election may be conducted as per law not

otherwise; that University of Sindh Jamshoro has already approached the Law Department, Government of Sindh, seeking clarification regarding clause 22(1)(xviii) whether one University Officer of Administration Cadre to be elected from amongst the Administration Officers or otherwise; but no any clarification has been made so far, which has created chaos amongst the officer category of administrative cadre as to who is eligible to contest the election as there are many cadres in University whose services are in BPS-17 and above. They next submit that the preliminary voter list as well as final merit list is not properly finalized as per law; that the respondent - University is reluctant to accept the request of the official category of employees.

We enquired from the petitioners as to how they are aggrieved against the election schedule announced by the respondent -University, they replied that it was unanimously resolved by the syndicate, that firstly it is to be resolved that who is eligible to contest on the seat of Member of the Syndicate on officers seats which has not yet been done, as such, they are aggrieved persons and will be highly prejudiced if the election takes place without resolution of the aforesaid legal issue, therefore, this petition is maintainable and can be heard and decided on merits. They lastly prayed for notice and in the meantime the election schedule may be suspended.

Be that as it may, let notice be issued to the respondents as well as learned Addl. A.G Sindh for 02.12.2019. Since election schedule has already been issued and election result date is fixed on 25.11.2019, therefore, it would be inappropriate to stay the election process at this stage; however no final result shall be announced by the respondent-university.

JUDGE

JUDGE

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