

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP. No. D- 6788 of 2021

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

Priority

1. For hearing of CMA No.29325/2021 (Stay)
2. For hearing of main case

02.03.2022

Petitioner present in person
Mr. Shoaib Mohiuddin Ashraf, advocate for KU
Mr. Muhammad Nishat Warsi, DAG

The following order dated 13.01.2022 was passed in the instant petition,
which is as under:

“5. *Before going ahead with the proposition put forward by the learned counsel for the respondent-university, at the first instance, we deem it appropriate to direct the competent authority of respondent-university to convene the meeting of the Selection Board of respondent-university, within two weeks positively, and the case of the petitioner be placed before the Selection Board for consideration for the post of Associate Professor in the Institute of Environmental Studies, under the advertisement dated 13.12.2019, under law, on the premise that sufficient time has already elapsed besides that petitioner is at the verge of superannuation i.e. 01.02.2022. However, it is made clear that during the intervening period all codal formalities shall be completed by the respondent university including verification of the antecedents of the petitioner. The minutes of the Selection Board shall be brought on the record on the next date of hearing, in case of failure Vice-Chancellor of the respondent-University shall be in attendance. Let a copy of this order be transmitted to the Vice-Chancellor of the University of Karachi for compliance.*

Re-list, just after two weeks.

Mr. Shoaib Mohiuddin Ashraf, learned counsel for the respondent university, has referred to his statement dated 04.01.2022 and submitted that the Selection Board of respondent University was convened on January 31, 2022, and the following decision was made:

“Date of Advertisement: December 2014

Following members/experts attended the meeting of the Selection Board.

1. Prof. Dr. Khalid Mahmood Iraqi (Chair)
2. Mr. Muhammad Mureed Rahimoon (Member)
3. Dr. Zabta Khan Shinwari (Member)-Online
4. Prof. Dr. Nasira Khatoon (Dean Science)
5. Dr. Shahina Naz (Chairperson, Food Science & Technology)

During the Selection Board meeting, the Secretary, Universities, and Boards after examining the working papers and advertisement of 2014 and 2019, raised the following observation.

The advertisement released in 2014 and 2019 required prior approval of the authority (Chief Minister Sindh) for appointment.

Therefore, the meeting of the Selection Board deferred.”

Learned counsel further submitted that fitness of things demands that the matter of petitioner so far his appointment on the subject post is concerned shall be left for the Selection Board to take appropriate decision in the next meeting, which is in line with the dicta laid down by the Hon'ble Supreme Court of Pakistan.

The proposal as put forward by the learned counsel for the respondent university is reasonable and acceptable to the petitioner who is present in person. He also seeks disposal of this petition in the same terms.

In view of the above facts and circumstances of the case, we deem it appropriate to dispose of the instant petition in terms that the Selection Board of respondent University shall consider the case of the petitioner for the post of Associate Professor in the Institute of Environmental Studies under the advertisement dated 13.12.2019 in its next meeting, after approval of the competent authority for the appointment. However, we expect that the Selection Board shall be convened within a reasonable time. Let a copy of this order be communicated to the Vice-Chancellor of respondent University and Secretary, Universities and Boards, Government of Sindh, for compliance with intimation to the learned counsel for the respondent university.

This petition stands disposed of in the above terms.

JUDGE

JUDGE