

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**CP. No. D- 1072 of 2022**  
**CP. No. D- 1370 of 2022**

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 Date Order with Signature(s) of Judge(s)  
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**CP. No. D- 1072 of 2022**

Priority

1. For hearing on CMA No.4860/2022
2. For hearing of main case

**CP. No. D- 1370 of 2022**

Priority

1. For hearing on CMA No.6183/2022
2. For hearing of main case

**08.03.2022**

Mr. Abdul Salam Memon, advocate for the petitioner in CP. No. D- 1072 of 2022  
 Mr. Sarmad Hani, advocate for petitioner in CP. No. D- 1370 of 2022  
 Mr. Bhuro Mal Dewan, advocate.  
 Mr. Ali Safdar Depar, AAG along with Naveed Rehmani, Secretary, Universities,  
 and Boards

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 On 22.02.2022, the following order was passed:

*“The questions involved in the present proceedings are whether the Vice-Chancellor of University could be directed to proceed on leave under Shaheed Mohatarma Benazir Bhutto Medical University Act, 2008 as amended by Sindh Universities and Institutes Laws (Amendment) Act, 2018; and, whether the petitioner is under probe by the Inquiry Committee constituted by the Government of Sindh vide notification dated 12.02.2022. Let notice be issued to the respondents as well as to learned Advocate General Sindh for **08.03.2022**. However, it is made clear that the impugned notifications are subject to the outcome of this petition. The Inquiry Committee is directed to submit its preliminary recommendations before this court on the next date of hearing, in terms of Reference dated 12.02.2022, so far as the role of the petitioner is concerned. At this stage, the petitioner has insisted for the interim order, let at the first instance preliminary report be submitted to ascertain the role of the petitioner in the aforesaid probe.”*

Learned AAG has placed on record a copy of the letter dated 07.03.2022, whereby Vice-Chancellor of DOW University of Health Sciences (DUHS) / Convener of Inquiry Committee has sought time to place on record a detailed inquiry report in terms of the ratio of the order dated 22.02.2022.

Reluctantly, two weeks is granted, however, it is made clear that no further time shall be granted to the inquiry committee and the law will take its course. The preliminary inquiry shall be presented on or before the next date of hearing positively.

Petitioner in CP No.D-1370/2022, has also assailed the vires of notifications dated 28.02.2022, whereby the assignment of Vice-Chancellor of Shaheed Benazir Bhutto University Veterinary and Animals Science Sakrand (SBBUVASS) has been handed over to Professor Dr. Ahmed Sultan, Dean Faculty of Animal Production and Technology, SBBUVASS, for 45 days. It is, inter alia, contended on behalf of the petitioner that the

petitioner has been punished on account of Dr. Jehangir a private practicing Doctor who is allegedly involved in some immoral and unethical activities including fraud and forgery of millions of rupees. Per learned counsel, nothing is available against the petitioner so far as allegations are leveled in the notification dated 28.02.2022 are concerned. Per learned counsel, the competent authority cannot oust the Vice-Chancellor of university without resorting to the legal procedure as provided under the SBBUVAS Act, 2012 as amended by the Sindh Universities and Institutes Laws (Amendment) Act, 2018; that neither the law nor the rules authorized the competent authority to compel the Vice-Chancellor of a university to go on forced leave as the same amounts to terminating his service without any findings from the inquiry committee. Per learned counsel, the petitioner is neither involved in any immoral or corrupt practices nor he is responsible for the actions of Dr. Jehangir, therefore, the petitioner cannot be saddled with such drastic action on the part of the competent authority, which action has degraded the petitioner in the eyes of the public at large. Learned counsel for the petitioner relied upon Article 10-A of the Constitution and submitted that the impugned notifications are liable to be annulled which are issued in violations of Articles 4,5 & 9 of the Constitution and the law on the subject. He prayed for the suspension of the impugned notifications to the extent of the petitioner.

To reply to the aforesaid grounds raised by learned counsel for the petitioner, learned AAG seeks time to file comments.

Since the issue involved in this matter is sensitive and the life and liberty of the female students are involved. Before going ahead, we may observe that the work environment for women, in a male-dominated society, is often hostile and antagonistic hindering their contribution to their country's development as well as their right to study/employment. Various studies have found that social constraints and an aggressive environment discourage women from seeking study/employment. It is also our constitutional duty to protect women to ensure their full participation in all spheres of national life. The relevant provisions of the Constitution, 1973 are reproduced hereunder for ready reference:

*"25. Equality of citizens.-- (1) All citizens are equal before the law and are entitled to equal protection of the law. (2) There shall be no discrimination on the basis of sex. (3) Nothing in this article to prevent the state from making any special provisions for the protection of women and children.*

*34. Full participation of women in national life.— Steps shall be taken to ensure full participation of women in all spheres of national life."*

The above referred Articles of the Constitution along with Article 14 provide every citizen male or female the right of self-respect, dignity, and prestige, and the Constitution has also guaranteed that steps shall be taken to ensure full participation of women in all spheres of national life. It is quite obvious that unless a right is recognized by the State it would not have any validity or weight to be imposed upon others.

Hence, this right has been recognized by the Government; and, is liable to be protected by the Government.

In the light of the above observation, we deem it appropriate to direct the competent authority of the Government of Sindh to depute lady police commandos in all Girls Hostels of public sector Universities and Colleges of Sindh forthwith to protect their life and dignity to study smoothly. The concerned Deputy Inspector General of Ranges and Senior Superintendents of Police, Sindh shall ensure the protection of female students from the tyranny and highhandedness of people, who are indulged in such sort of acts as discussed supra.

It is also made clear that from today, the Government of Sindh shall also ensure that no male member shall be posted in girls hostels of public sector Universities / Colleges, and in case of non-compliance, stern action shall be taken against all delinquent officials including Vice-Chancellors of the concerned universities.

Prima facie, the allegations leveled against both the petitioners are yet to be proved and no material has been placed on record to keep the petitioners out of such vital positions, therefore, propriety demands that they may continue with their assignment as Vice-chancellors of their respective universities.

To come up after two weeks. Let this order be communicated to Chief Secretary Sindh, Home Secretary Sindh, Inspector General of Police Sindh, and DIGs as well as SSPs for compliance.

**JUDGE**

**JUDGE**