## ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

#### CP NO.D-5549 of 2021

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# Date Order with signature of Judge(s)

1. For orders on Misc. No.23246/2021.

2. For order on Misc. No.23247/2021.

3. For order on Misc. No.23248/2021.

4. For hearing of main case.

### 14.09.2021

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Mr. Muhammad Hasseb Jamali, advocate for the petitioner.

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1. Urgency granted.

2. Exemption granted subject to all just exceptions.

3-4. Through the instant petition, the petitioner has called in question the shortlisting of candidates, by the search committee, for the position of Vice-Chancellor of respondent-Federal Urdu University of Arts, Science & Technology (FUUAST) vide minutes of meetings dated 25th May 2021 (page-227), for recommending to the competent authority to make final orders. It is, *inter-alia*, contended on behalf of the petitioner that an advertisement was published for the position of Vice-Chancellor of FUUAST; and, petitioner being an eligible candidate in all respects applied for the said position, however, the competent authority constituted a Search Committee of their own choice vide notification dated 07.07.2020, which was assailed by the petitioner in C.P. No.D-5205/2020. Per learned counsel, the said petition was disposed of with a direction to Search Committee to conduct the selection process de-novo fairly and transparently. Per learned counsel, the mandate given by this Court in the aforesaid proceedings was not followed under the provisions of Ordinance 2002. It is further urged that the Search Committee ignored the guidelines as set forth by the Higher Education Commission (HEC) and the directives issued by this Court as well as the ratio of order dated 4.12.2019 passed by the Honorable Supreme Court in C.P No. 4002 of 2019; learned counsel also pointed out that the designated Committee has not discharged its functions, the way they were required to do so; that such action of the Committee has no sanctity under the law to sustain; that there is element of non- transparency in the selection process with no objective evaluation criteria of the shortlisted candidates and it's the personal feelings of the committee to forward the names of short listed candidates to the competent authority for final decision; that the Search Committee has not conducted the search impartially and reasonably within the parameters of law; that the Search Committee failed and neglected to award marks to the petitioner, as per his qualification, as directed by this court in the aforesaid proceedings, which is a sheer violation of petitioner's constitutional rights as enshrined in Articles, 4,9,18, 25 and 10A of the Constitution of the Islamic Republic of Pakistan, 1973; that even the shortlisted three candidates are ineligible to be nominated for the said position, thus the entire process undertaken by the Search Committee is dubious one, illegal and without lawful justification. He prayed for a direction to the competent authority of respondent-university to reconstitute the Search Committee to carry out its duties in the line with the directives passed by this Court in CP No.D-5205/2020; and in the meanwhile, restrain the respondents from processing finalization the nomination of the candidates for the position of Vice-Chancellor.

To appreciate the aforesaid contentions and to see whether the directives contained in paragraph 10 of the order dated 28.04.2021 passed by this Court in CP No.D-5205/2020 has been adhered to in its letter and spirit or otherwise. Notice to the respondents as well as DAG for **21.9.2021**. Meanwhile, if the nomination of the shortlisted candidates for the position of Vice-Chancellor of FUUAST has not been finalized by the competent authority, the same process shall be subject to the outcome of this petition.

JUDGE

#### JUDGE

Nadir

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