

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

Suit No. NIL (-1491) of 2022

Isra Islamic Foundation (Guarantee) Ltd. & others

Versus

Dr. Nazir Ashraf Leghari & others

Date	Order with signature of Judge
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1. For orders on office objection 'A'
2. For hearing of CMA 11975/22
3. For hearing of CMA 11626/22

Dated: 23.08.2022

Mr. Salahuddin Ahmed, Advocate.
Mr. Arshad Tayebaly, Advocate.
Mr. Ali Almani, Advocate.
Mr. Ayan Mustafa, Advocate.
Mr. Ghulam Shabbir Shah, Advocate.
M/s. Abdul Sattar Pirzada and Mamoon N. Chaudhry, Advocates.
Mr. Omer Memon, Advocate.
Qazi Habib, Advocate.
Mr. Imran Ahmed Khan Abro, AAG.

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- 1) The office objection is deferred for the time being, however, office is directed to register said suit and assign number to it.
- 2) This suit was filed by Isra Islamic Foundation and Isra University through its authorized officer along with other individuals. There is apparently a dispute as to who the lawful Vice Chancellor of Isra University is, which is likely to be resolved in the pending bunch of cases, in particular JCM No.29 of 2020. However, since it requires detailed arguments which perhaps is not possible to be concluded today, learned counsel for defendant No.1, who also claims to be Vice Chancellor of Isra University, has requested to take up on priority basis this application under order XXXIX Rule 4 CPC for some modification in the exparte ad-interim order obtained by the plaintiffs on 12.08.2022, so that degrees which are being awarded at this stage of dispute may not go un-scrutinized and unverified. The substance of the said ad-interim order is as under:-

*“Issue notice to the defendants for 16.08.2022,
when instant suit will be taken up alongwith aforesaid*

suits, which are already fixed on the said date, in the meantime, the defendants are restrained from interfering with the degree awarding process of the plaintiffs, and defendant Nos.1 to 3 or their subordinates are restrained from requiring the students of Isra University Karachi and Islamabad campuses from getting their degrees verified, attested etc. from them. Defendants are further restrained from initiating any action and/or from lodging complaints against the plaintiffs in relation to issuance of degrees of Karachi and Islamabad campuses, till the next date of hearing.”

I have heard the learned counsel and perused record.

Mr. Arshad Taybealy, learned counsel appearing for defendant No.1, submits that a blanket powers have been given to plaintiff No.2, presently under control of a disputed Vice Chancellor, for admissions and awarding degrees without any process of verification and attestation from anyone including defendants No.1 to 4 out of whom one is Vice Chancellor, as claimed, and the other is HEC. Pending litigation would likely to resolve the controversy as to who the lawful Vice Chancellor of university is.

On this issue alone as to whether there could be a process of verification and attestation of the degrees from any of the defendants arrayed here or should these degrees as awarded by the plaintiff No.2 through its disputed Vice Chancellor be reached to the offices concerned, without any verification or attestation.

By virtue of ad-interim order all defendants including HEC are restrained from interfering with the degree awarding process of the plaintiffs and further defendants No.1 to 3 or their subordinates are restrained from requiring the students of Isra University Karachi and Islamabad Campus from getting their degrees verified and attested etc. from them and also from HEC.

No doubt a dispute regarding claim of being lawful Vice Chancellor is subject matter of these proceedings and some individuals claiming themselves to be Vice Chancellors are acting and taking actions purportedly for running Isra University, which includes all activities to

run a university, but such degree awarding process cannot go unscrutinized while the litigation would give a concluded picture as to who the lawful Vice Chancellor is. The Isra University, being run by some individuals claiming themselves to be Vice Chancellor and office bearers cannot be given this blanket permission during pendency of this dispute. Hence the contention of learned counsel for defendant No.1 that the degrees as being awarded should not go unattended and at least should get a verification and authentication from the office of HEC is not without reasoning. Defendants No.1 to 3 in view of alleged suspension may not have a role for verification and attestation of the degree but HEC i.e. defendant No.4 does. The future of the students who are getting themselves enrolled as students and as a consequence, are being awarded degrees, cannot go unchecked risking the entire system of higher education where degrees are being awarded, hence in all fairness I deem it appropriate that all degrees that are being awarded should be passed through a verification process from HEC, if not from defendants No.1 to 3. With this understanding the ad-interim order dated 12.08.2022 be read and modified accordingly.

Application stands disposed of.

Judge