

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP D 2120 of 2023

Date	Order with signature of Judge
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1. For orders on CMA No.10255/2023.
2. For orders on CMA No.10256/2023.
3. For orders on CMA No.10257/2023.
4. For hearing of main case.

02.05.2023

Mr. Muhammad Nishat Warsi, advocate for the petitioner.

1. Granted. 2. Granted; subject to all just exceptions. 3&4. The petitioner was appointed as Acting Vice Chancellor of the respondent No.2 University for a specified / express period and the said term *admittedly* expired on 02.04.2023. Government of Pakistan, Ministry of Federal Education & Professional Training issued a notification dated 10.04.2023 ('Impugned Notification'), recognizing the cessation of engagement in the following terms:

"F.No.6-44/2020-HEC In pursuance of Federal Urdu University of Arts, Science & Technology (FUUAST) Senate meeting minutes dated 08th December, 2022, it is stated that the extension in the tenure of Dr. Zia-ud-Din as Vice Chancellor (FUUAST) notified vide this Ministry's Notification No.6-44/2020-HEC dated 27-02-2023 has expired w.e.f. 02-04-2023.

In view of above, Dr. Zia-ud-Din cannot exercise any administrative and financial powers w.e.f. 2nd April, 2023. Any exercise of such powers beyond this date shall be deemed illegal."

The petitioner has assailed the Impugned Notification and primarily seeks the annulment / suspension thereof; with the corollary effect of perpetuating his admittedly expired tenure. At the very outset, learned counsel was asked to demonstrate any right of the petitioner to perpetuate the relevant office and further as to what fundamental right of the petitioner was being infringed by the Impugned Notification, however, learned counsel failed to satisfy the court on either account.

It is an admitted fact that the petitioner was made Acting Vice Chancellor for a specific period and that period has expired. The Impugned Notification recognizes the same and precludes petitioner from exercising any powers not conferred thereupon. Petitioner's counsel has been unable to demonstrate any infirmity in the Impugned Notification and has also been unable to demonstrate any right of the petitioner to perpetuate his office, post cessation of its tenancy.

In view hereof, the petition found to be misconceived and is hereby dismissed, alongwith pending application(s), in *limine* with cost of Rs.10,000/- (Rupees Ten Thousand), to be deposited in the Sindh High Court Clinic Fund within one week from date hereof. In the event that the cost is not paid within the requisite time, the CNIC of the petitioner may be suspended.

JUDGE

JUDGE