

ORDER SHEET  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**C.P. No.D-5630 of 2023**

Date

Order with signature of Judge

FRESH CASE:

1. For order on CMA No.26149/2023 (Urgent).
2. For order on office objection No.19.
3. For order on CMA No.26150/2023 (Exemption).
4. For order on CMA No.26151/2023 (Stay).
5. For hearing of main case.

-----

**Dated: 21<sup>st</sup> November 2023**

Malik Naeem Iqbal, Advocate for Petitioner.

-\_\*-\*\_\*-\*\_\*

1. Urgency granted.
  2. Learned counsel for the petitioner undertakes to comply with office objection before the next date of hearing.
  3. Exemption granted subject to all just exceptions.
- 4&5. Through instant Constitutional Petition, the petitioner has expressed his grievance against charge sheet dated 02.11.2023 issued by the respondent/KPT on the allegation that foreign educational documents of Bachelor of Business Administration (BBA) and Master of Business Administration (MBA) issued by University of Newcastle, United Kingdom Campus, as per verification of equivalency letter dated 24.07.2023 issued by the Higher Education Commission (HEC) by disclosing that the aforesaid University has no charter University of UK or USA, therefore, the degree obtained by the petitioner from such university cannot be recognized, nor equivalence can be issued by the HEC. According to learned counsel for the petitioner, petitioner is performing his duties in the respondents' organization/KPT as Deputy Manager (Coordination) BPS-18 in Coordination Department since 2012 to the satisfaction of his superiors, whereas, he has never been charge-sheeted, nor has ever

been issued show-cause notice for misconduct, however, through impugned charge sheet while placing reliance on a letter dated 24.07.2023 issued by the HEC in contravention to a letter dated 26.06.2023, which was also issued by the HEC, whereby, while seeking equivalence of Bachelor of Business Administration Degree from the same University, the HEC has acknowledged and recognized such University and its degree as well, however, with malafide intention and perhaps on the instigation of interested person, a letter dated 24.07.2023 has been issued, which otherwise is highly derogatory and beyond the mandate of HEC, as in the said letter, earlier letter issued to the petitioner recognizing same University and issued equivalence has been withdrawn without assigning any reason, whereas, the name and CNIC of the petitioner has also been blocked/blacklisted on their online portal. According to learned counsel for the petitioner, the very basis of charge sheet as contained in the statement of allegations is based on the aforesaid illegal letter and there is apprehension that respondents will take adverse action against the petitioner, including his dismissal from service, whereas, without conclusion of the proceedings against the petitioner perks and privileges of the petitioner have been withdrawn, including withdrawal of official vehicle.

While confronted as to maintainability of instant petition in view of the fact that departmental remedy is available to the petitioner under KPT Act, 1886. In response to such query, learned counsel for the petitioner submits that since the very basis of initiation of the proceedings and issuance of charge sheet against the petitioner is totally illegal and based on malafide, whereas, there is no remedy available to the petitioner at this stage, therefore, the petitioner has approached this Court by invoking the Constitutional jurisdiction under

---

Article 199 of the Constitution of Pakistan seeking enforcement of his fundamental right to be treated in accordance with law. It has been prayed that respondents may be restrained from taking any adverse coercive action against the petitioner pursuant to impugned charge sheet, which may be declared as illegal and without lawful authority. In support of his contentions, learned counsel for the petitioner has placed reliance on the case of M.U.A. KHAN v. M. SULTAN (PLD 1974 SC 228).

Contentions raised require consideration. Let pre-admission notice be issued to the respondents as well as to the D.A.G., to be served through first three modes, for 06.12.2023, when comments/reply, if any, shall be filed with advance copy to the learned counsel for the petitioner. In the meanwhile, petitioner may submit response to the impugned charge sheet by raising all such legal and factual grounds, however, till next date respondents may not take any adverse coercive action against the petitioner pursuant to the impugned charge sheet.

**ACTING CHIEF JUSTICE**

**J U D G E**

\*Farhan/PS\*

---