

IN THE HIGH COURT OF SINDH, KARACHI

Const. Petition No.D-3606 of 2022

<i>Date</i>	<i>Order with signature of Judge</i>
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PRESENT:
MR. JUSTICE AQEEL AHMED ABBASI, CJ
MR. JUSTICE ABDUL MOBEEN LAKHO, J

***Imdad AliVs.....Federation of Pakistan
& others***

- 1.For hearing of CMA No.1330/2024
- 2.For hearing of CMA No.5493/2024
- 3.For hearing of main case.

26-03-2024:

Mr.Ikhtiar Ali Channa, Advocate for the Petitioner.
Applicant/Intervener Faizan Kirmani is present in person.
Mr.Saifullah, A.A.G.
Mr.Tariq Hussain, Advocate for Respondent No.1 (H.E.C)
Mr.Qaim Ali Memon, Advocate for Respondent Nos.2 to 6
(Dadabhoy Institute of Higher Education)
Dr.Ameer Haider, Registrar, Dadabhoy Institute of Higher
Education is present.

O R D E R

Today, comments have been filed by learned counsel for Respondent Nos.2 to 6 (Dadabhoy Institute of Higher Education), who submits that in view of relaxation granted by the H.E.C. the petitioners are entitled to complete their Ph.D (Law) program. Learned counsel has referred to para D of the comments and the Annexure R/1 (copy of minutes of Board of Studies) which reads as follow:-

“Agenda No. 2

To recognize / adapt HEC revised policy issued vide 15-54/Coord/2019/HEC/QAD/560 Page No. 4 section No. 3.3 CGPA(c)(iii) dated 10 July 2023.

Discussion:

The HEC has issued Graduate Education Policy GEP-2023 which is applicable from fall 2023. However universities and currently enrolled students may take advantage of the policy provided that the university/HEI/DAI has adopted the policy through its statutory bodies. In para 3 of the policy (entitled minimum requirements of award of doctorate Degree) para No. 3.3 (c) provides.
3.3 CGPA

- a) For admission in PhD program. A minimum CGPA of 3.0 (out of 4.0 in the semester system 7) or 60% (in the Annual System) in the MS/MPhil/equivalent degree being considered for admission, is required, whether such degree was obtained from Pakistan or foreign universities)
- b) If the CGPA/percentage is not mentioned on the transcript the candidate must produce equivalent weightage form the parent university.
- c) The students having strong demonstrated interest in obtaining PhD degree, but their CGPA is blow 3.00 (out of 4.0 in the semester system) or 60% marks (in the annual system) in the most recent degree obtained, may be admitted to a PhD program after fulfilling the following requirements;
 - i. shall study additional courses of 9-12 CH of level 7 taking a zero semester at admission awarding university/HEI/DAI and score minimum 3.00 out of 4.00 GPA, and
 - ii. The admission committee is satisfied that the applicant's knowledge of primary studies of the doctoral program.
 - iii. These requirements shall be in addition to any other requirements set in this policy for admission to a PhD program.

Accordingly it is endorsed hat this policy of HEC issued vide above mentioned notification dated 10 July 2023 is being adopted as whole by the BOS.

Regulation: The Board Unanimously approved to adapt Graduate Policy as recommended by HEC Islamabad.”

Copy of comments are taken on record and copy of the same has been supplied to learned counsel for the petitioners, who in view of such comments is satisfied and prays that instant petition may be disposed off while holding that both the petitioners are eligible to be issued the Ph.D (Law) Degree accordingly.

2. Learned counsel for the H.E.C. could not controvert such position, however, has referred to a statement dated 7.3.2024 filed along with further comments and submits that since Dadabhoy Institute did not obtain NOC for Ph.D. (Law) Program, therefore, they cannot otherwise issue a Ph.D. (Law) Degree. Such contention of the learned counsel for H.E.C. is vehemently opposed and denied by the learned counsel for the petitioners and respondent Nos.2 to 6, who have submitted that such objection besides being frivolous, is not the subject matter of instant petition, whereas, all the requirements for conducting Ph.D courses and issuing the Degrees have been met, moreover, H.E.C. itself has relaxed the criteria for the purposes of issuance of Ph.D (Law) Degree, according to which both the petitioners are found eligible by H.E.C. for issuance of Ph.D (Law)

Degree, therefore, such objection at this stage cannot be raised to frustrate the earlier proceedings of instant petition on such flimsy ground. Such contention of the learned counsel for the petitioners and the relaxation by the H.E.C. as reflected from the letter issued to this effect, duly confirmed by respondents Nos.2 to 6 who are willing to accede to the request of petitioners for issuance of Ph.D (Law) Degree, is found to be correct.

3. Accordingly, in view of the comments filed by respondent Nos.2 to 6 (Dadabhoy Institute of Higher Education) and the regularization/relaxation made by the H.E.C. to this effect in the aforesaid terms instant petition is allowed along with pending applications and respondents are directed to issue the Ph.D (Law) Degree to both the petitioners as per rules, policy and the above regularization/relaxation by the H.E.C., and submit compliance to this Court within one month from the date of receipt of this order through M.I.T. of this Court.

Chief Justice

Judge

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