

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No.662 of 2024
Suit No.1383 of 2023
Suit No.810 of 2024 and
Suit No.506 of 2024

Date	Order with signature of the Judge
------	-----------------------------------

Suit No.662 of 2024.

1. For hearing of CMA No.9513 of 2024.
2. For hearing of CMA No.8333 of 2024.

Suit No.1383 of 2023 .

1. For orders on maintainability of Suit (vide Order dated 20.05.2024.
2. For hearing of CMA No.12225 of 2023.
3. For hearing of CMA No.7828 of 2024.

Suit No.810 of 2024.

1. For hearing of CMA No.10559 of 2024.
2. For hearing of CMA No.10998 of 2024.

Suit No.506 of 2024.

1. For hearing of CMA No.7821 of 2024.
2. For hearing of CMA No.8569 of 2024.

22.08.2024

M/s. Ahmed Ali Hussain and Syed Zaeem Hyder, Advocates for the Plaintiff.

M/s. Muhammad Ali Lakhani and Mujtaba Sohail Raja, Advocates for the Plaintiffs in Suit No.506 of 2024 and Suit No.810 of 2024.

M/s. Anwar Mansoor Khan, Umaimah A. Khan and Zeeshan Bashir Khan, Advocates for the Intervener.

Mr. Abdul Rehman Aziz Malik, Advocate for Defendants No.1 and 2.

Mr. Sandeep Malani, AAG.

Statement filed today on behalf of the Plaintiff [*in Suit No.810 of 2024*] along with certain documents, is taken on record. All Injunction Applications are heard.

Plaintiffs of these Suits are part of academia of University of Karachi-Defendant No.1 and are aggrieved of the Advertisement published in different Dailies, inviting Applications from the candidates with the prescribed qualification mentioned in the Advertisement, to fill up the post of full time Director in the Defendant No.2-the International Centre for Chemical & Biological Sciences (“**ICCBS**”). Plaintiffs’ Counsel contend

that Advertisement is violative of the statutory provisions of the University of Karachi Act, 1972, [*the Governing Law*]; contended that the Defendant No.3-Dr. Muhammad Iqbal Chaudhary by misinterpreting the provisions of the Internal Statute of Defendant No.2-ICCBS (at page-33 of Suit No.662 of 2024), surreptitiously retained the position of the Director for the past many years; that the Internal Statute of Defendant No.2 is subservient to the Governing Law and provisions with regard to appointment (of above Statute) is violative of the Governing Law.

In the Injunction Application, suspension of the Internal Statute of Defendant No.2 is also sought, besides impugning the Advertisement for the post of Director.

Mr. Abdul Rehman Aziz Malik, Advocate for the Defendants No.1 and 2 has opposed these Injunction Applications and states that the Selection Process would be carried out in a transparent manner and that is why the post has been advertised; further stated that a Committee has been constituted to re-visit the Statute of Associated Institutes like Defendant No.2 and the next meeting is scheduled to be held on 27th of this month, *whereas*, Mr. Anwar Mansoor Khan, Advocate for the Intervener, has vehemently opposed the Injunction Applications and according to him the entire process has been stopped due to restraining Order and the Institute is without a regular Director, which is seriously disturbing its operation.

Arguments heard.

At present, Dr. Farzana Shaheen is holding the Additional Charge of the Director of Defendant No.2-ICCBS, who is also Plaintiff in Suits No.810 and 506 of 2024. *Secondly*, the main apprehension of Plaintiffs is that the Impugned Advertisement (*ibid*) is published with a criteria that only suits Dr. Muhammad Iqbal Chaudhary and if the restraining Order is vacated, then the latter (Dr. Muhammad Iqbal

Chaudhary) will be restored as Director. Considering the above, it is ordered as follows_

- i. The Committee formed to prepare the model Statute should finalize the Statute in its next meeting and will submit the compliance Report. The Committee should make recommendation after taking into account the best international practices in this regard, including, provision, that a well-qualified Pakistani (Overseas) can also be appointed in such senior post, in order to improve the overall functioning of such Institute, primarily related to Scientific Research.
- ii. The Executive Board of Defendant No.2 – The International Centre for Chemical & Biological Sciences, within a week will re-advertise the post of Director prescribing a qualification through which best of the best candidates can be selected, *inter alia*, taking into consideration, the international best practices in this regard.
- iii. After receiving applications, the Selection Process should be completed within two [02] weeks, *inter alia*, considering Section 4 of the above Statute of the International Centre for Chemical & Biological Sciences.
- iv. The Selection Board will consider the credentials and applications of its Faculty Members, including, Plaintiffs.
- v. The present Acting Director Dr. Farzana Shaheen [Defendant No.3] will continue till the appointment of new Director within the above timeframe.

In view of the above, all Injunction Applications [*under Order XXXIX Rules 1 and 2 of CPC*]-CMA No.8333 of 2024, CMA No.12225 of 2023, 10559 of 2024 and CMA No.7821 of 2024 are disposed of and restraining Orders passed earlier in different Cases are vacated.

To be listed on 16.09.2024.

JUDGE

M.Javid PA