

**ORDER SHEET**  
**THE HIGH COURT OF SINDH KARACHI**  
**C.P. No.D-4336 of 2024**

DATE	ORDER WITH SIGNATURE(S) OF JUDGE (S)
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**Present: Mr. Justice Salahuddin Panhwar**  
**Mr. Justice Amjad Ali Sahito**

1. For order on Misc. No.19118/2024
2. For order on Misc. No.19119/2024
3. For order on Misc. No.19120/2024
4. For hearing of main case

**05.09.2024**

M/s. Ebrahim Saifuddin & Tahir Mehmood, advocates for the Petitioners

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Petitioners being practicing Advocates have filed this petition which pertains to fundamental rights and independence of judiciary, so also the question involves in this petition relates to decision of Unfair Means Committee dated 17.08.2024 made by Karachi University, whereby degree of Mr. Justice Tariq Mahmood Jehangiri (Judge, Islamabad High Court) was cancelled. Learned counsel for the petitioners relies on Page-39 clause (ix), which reads as under:-

*“(ix) All punishments under Regulation 14 shall be awarded by the Syndicate on the recommendation of the UNFAIR MEANS COMMITTEE appointed by the Syndicate for the purpose, and the latter itself may hold enquiry or authorise any one or more of its members to do so. The examination results of such candidates shall be withheld till such time as their cases are decided by the Syndicate.”*

2. While relying upon the above said clause, learned counsel for the petitioners submits that Unfair Means Committee proceeded on the basis of letter No.GILC/2024 dated 15.08.2024 written by the Principal, Islamia Law College, wherein a list of four students was given; however, name of Mr. Justice Tariq Mahmood Jehangiri was not appearing, hence following order was passed without hearing and by violating basic settled principle of law declared which reads as under:

*“At serial number 14 of the above-referred report, Tariq Mahmood son of Qazi Muhammad Akram, with seat number 3668 from Government Islamia Law College, was imposed the following penalty;*

*“Result cancelled and further debarred for three years, allowed to appear in annual exam 1992”*

3. Learned counsel contends that such decision is not reflecting whether aggrieved person was heard nor any record was called from the Islamia Law College or appearance of its representatives but they decided summarily in order to defame a Judge of Islamabad High Court mainly because of a letter written by six Judges of that High Court and the matter is subjudice before the Apex Court. He further submits that such decision has not only amounted defamation but also given license to the public at large to defame the Hon'ble Judge through social media as he is also one of the signatories of that letter. Learned counsel for the petitioners further contends that against any Judge of the Supreme Court or High Court, there is a specific forum which is Supreme Judicial Council. If the college or University was of the view that there is issue of a degree of that Judge, then they were required to approach Supreme Judicial Council, instead they proceeded on their own whims without considering the seriousness of the issue and decided the fate of a degree received in 1991 after the delay of 33 years. He has referred press released of Karachi University available at Page-41 of the file which speaks that such degree is invalid. He further agitates that there is mala fide on the part of Islamia Law College so also University as they initiated this process knowingly that their act is not sustainable under the law. He lastly prays for suspension of the order of Unfair Means Committee and subsequent decision of Syndicate.

4. The arguments presented by the learned counsel for the petitioners carry substantial weight, as it is yet to be ascertained whether the decision of the Unfair Means Committee dated August 17, 2024, as well as the Syndicate's ruling declaring the degree of Mr. Justice Tariq Mahmood Jehangiri as invalid, are in conformity with the applicable laws and regulations. From the record it appears proceedings were carried out by Unfair Means Committee without hearing Mr. Justice Tariq Mahmood Jehangiri, which prima facie shows that he was condemned unheard. As such, we are of the view that impugned decision was made in sheer violation of Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973; wherein rights of every citizen are protected for fair trial, but unfortunately no opportunity of hearing was extended to Mr. Justice Tariq Mahmood Jehangiri and the manner so adopted appears to be highly objectionable, illegal, void ab initio and without lawful authority. In any event, High Court has power under Article 199 of

Constitution of Pakistan 1973 to issue a direction to a person performing within its territorial jurisdiction functions in connection with the affairs of the Federation, a Province or a local authority to refrain from doing anything that is not permitted by law to do, or to do anything which is required by law to do (*a communi observantia non est recedendum*). In the case reported as Abdul Rauf Rana vs. University of Balochistan through Chancellor, Governor House, Quetta and others (2021 CLC 2141), the result and degree of the petitioner was cancelled without providing him an opportunity of hearing, hence, the Balochistan High Court accepted the petition while declaring such decision as illegal, without lawful authority and void ab-initio, null and void.

5. Accordingly, this Court hereby directs that notices be issued to the Respondents, as well as the Deputy Attorney General and the Advocate General of Sindh, in order to seek their respective responses. In the meantime, we hereby suspend the operation of the impugned decision of the Unfair Means Committee dated August 17, 2024, as well as the Syndicate's declaration regarding the invalidity of Mr. Justice Tariq Mahmood Jehangiri's degree. Furthermore, the University of Karachi is hereby restrained from taking any coercive measures based on these decisions till the next date of hearing.

To come up after three weeks.

Sd/-  
**JUDGE**

Sd/-  
**JUDGE**