

ORDER SHEET
HIGH COURT OF SINDH, KARACHI
C.P.No. D-7778 of 2019

Date: Order with signature of Judge

For orders as to none prosecution

12.12.2019

Mr. Naseer Ahmed Khan for petitioner
.X.X.X.X.

Learned Counsel has field this quo warranto petition on twofold grounds. He submits that the respondent's appointment is hit by Article 207 of the Constitution of Islamic Republic of Pakistan. Learned Counsel further submits that for the appointment as Vice Chancellor of respondent No.6, the respondent No.1 must not have crossed the age of 70 years.

We have heard the learned Counsel on these twofold grounds.

At the very outset the Article 207(2) of the Constitution provides that a person who was held office as a Judge of the Supreme Court or of a High Court shall not hold any office of profit in the service of Pakistan. Learned Counsel has not been able to satisfy that the appointment of Vice Chancellor of ZABUL is "Service of Pakistan". "Service of Pakistan" is otherwise defined under Article 260 of the Constitution of Islamic Republic of Pakistan, which is reproduced as under:-

"260.-----"

"Service of Pakistan" means any service, post or office in connection with the affairs of the Federation or of a Province, and includes an All-Pakistan Service, service in the Armed Forces and any other service declared to be a service of Pakistan by or under Act of [Majlis-e-Shoora (Parliament)] or of a Provincial Assembly, but does not include service as Speaker, Deputy Speaker, Chairman, Deputy Chairman, Prime Minister, Federal Minister, Minister of State, Chief Minister, Provincial Minister, [Attorney-General, [Advocate-General], Parliamentary Secretary] or [Chairman or member of a Law Commission, Chairman or member of the Council of Islamic Ideology, Special Assistant to the Prime Minister, Adviser to the Prime Minister, Special Assistant to a Chief Minister, Adviser to a Chief Minister] or Member of a House or a Provincial Assembly;

Thus, we feel that a Vice Chancellor of a University namely ZABUL is not “Service of Pakistan” .

Secondly insofar as the question of age of the respondent No.1 is concerned that is a disputed fact. Learned Counsel has relied upon text reproduced in para-2 of the petition. He, however, has not been able to substantiate his contention by providing any copy of such observation though on the last date he was granted one week’s time. This otherwise is a disputed question of facts. Thus, the petition merits no consideration and the same is dismissed in limine.

Judge

Judge