

ORDER SHEET
THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

C.P. No.D-971 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders as to non-prosecution of M.A. No.14520/2022 as notices not issued as costs and copies not supplied.
	2. For hearing of M.A. No. 10765/2022.
	3. For hearing of M.A. No. 10115/2022

13.11.2025

Petitioner present in person.

Mr. Rafique Ahmed Dahri, Assistant Advocate General, Sindh.

This Court vide order dated 16.08.2022 disposed of the petition, an excerpt of the relevant paras whereof reads as under:

**7. It is also settled law that Courts ordinarily refrain from Interfering in the policymaking domain of the Executive of the Public Sector Universities, until and unless the same offends the fundamental rights of the parties. More particularly, in the light of the ratio of the latest judgment of the Honorable Supreme Court in the case of Khyber Medical University, etc. vs. Almal Khan, etc. vide order dated 4.1.2022 passed in Civil Petition No. 3429 of 2021. However, in the present case, the petitioner claims immunity in the terms of his appointment letter, which explicitly show that he was simply appointed as Assistant Professor-BS-19 (English) in the Quaid-e-Awam University of Engineering, Science and Technology. Nawabshah, and not for Campus, Larkana. Prime-facie the recommendation of Vice Chancellor to exercise emergency powers under the Act, 1996 to transfer the petitioner from the main University to Campus is not binding upon the Syndicate. However, in the present case the transfer order of the petitioner has not been placed before the Syndicate for approval, which is apathy on the part of Vice-chancellor despite lapse of two years. On the aforesaid proposition, we are guided by the decision of the Honorable Supreme Court in the case of Dr. Habibullah (PLD 1973 SC 144).*

8. We have found that prima-facie there is a manifest discrepancy in the decision of Vice Chancellor requiring our attention. Even we see substance in the submission of petitioner for the reason that he was required to serve in the respondent university and not Campus in terms of appointment letter as discussed supra. As petitioner could not be posted out to other Campus under the garb of exigencies of services, as such, the transfer order of petitioner could neither be justified on the plane of policy directive of respondent-university nor the same was/is sustainable in terms of section 28 of (iv) and (x) of the Act, 1996.

9. As a result of the above discussion, this petition is allowed in the terms that the impugned transfer order dated 31.8.2020 Issued by the respondent-Quaid-e Awam University of Engineering Silence and Technology Nawabshah is set aside for the reasons discussed in the preceding paragraphs, pending applications are also disposed of accordingly. In the meanwhile Issue of salary of the petitioner for Intervening period shall be deposited by the competent authority within two weeks.

It appears that no compliance has been made yet which is apathy on the part of respondent-university, as such, Vice-Chancellor of the University is directed to submit compliance report positively on the next date of hearing; in case of failure, he shall be in attendance to explain the position as to why action in terms of Article 204 of the Constitution of Islamic Republic of Pakistan, 1973 be taken against him. To come-up on **16.12.2025**.

JUDGE

JUDGE