

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-2576 of 2025

[Dr. Saiyid Khusro Iqbal V. The Government of Pakistan and others]

Date	Order with signature of Judge(s)
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Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and Order: 01.04.2026

Mr. Muhammad Kamil Khan, Advocate for the Petitioner.

M/s. Saad Siddiqui and Sahibzada Muhammad Mubeen, Advocates for Respondent No.3.

Mr. Agha Shahzaib, Advocate for Respondent No.4.

Ms. Wajiha Mahdi, D.A.G.

ORDER

Adnan-ul-Karim Memon, J. – Petitioner Dr. Saiyid Khusro Iqbal has filed these Constitution Petitions under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, seeking following relief:-

- I. *To declare that the appointment of Respondent No. 4 on the post of Executive Member and its impugned notification dated 04.12.2024 are absolutely illegal, unlawful, erroneous, and void ab initio, and is the fate of discrimination, bias, and nepotism, being their blue-eyed and affectionate person.*
- II. *To cancel/set aside and suspend the operation of the impugned notification dated 04.12.2025 regarding the appointment of Respondent No. 4.*
- III. *To direct Respondents No. 1 to 3 to produce all relevant record of the complete appointment procedure of the said post before this Hon'ble Court in order to scrutinize it.*
- IV. *To direct Respondents No. 1 to 3 to appoint the Petitioner on the said post of Executive Member, having already completed all codal and required formalities as enshrined in the said publication/s and his selection interview performance.*
- V. *To order for the conduction of an impartial inquiry, probe, and inquest against all the Respondents regarding the issuance of such impugned notification, by constitution of a committee comprising of three honest and sincere members, who should produce their verdict/conclusion within the shortest time. In case of guilt on the part of any Respondent(s), he/they should be penalized strictly in accordance with law.*
- VI. *To prohibit and restrain the Respondents, particularly Respondent No. 4, from rendering his obligations on the current post/position till the final disposal of the instant petition. They may further be restrained from making any further decisions regarding the appointment or taking any related actions pending the final determination of this petition.*
- VII. *Cost of the petition.*
- VIII. *Grant any other relief(s) as this Hon'ble Court may deem fit and proper.*

2. The Petitioner challenges the appointment of Respondent No. 4 as Executive Member of PEMRA through Notification dated 04.12.2024, alleging that the appointment is illegal, arbitrary, and based on favoritism. It is submitted that the advertised criteria required a Master's degree or equivalent, which Respondent No. 4 does not possess, as his qualifications fall short of the prescribed standard. It is urged that the Petitioner, being highly qualified with a PhD and extensive experience, claims he was more suitable and performed well in the interview but was unlawfully ignored. Reliance is placed on findings of the Wafaqi Mohtasib, which held that Respondent No. 4's qualification was not equivalent to a Master's degree. The Petitioner further pleads lack of transparency, denial of access to record, and violation of constitutional principles of merit, fairness, and equality, seeking annulment of the appointment and his own consideration for the post.

3. The Petitioner's counsel submits that Respondents No. 1 to 3 have committed gross violations of law, coupled with manifest discrimination, in issuing the impugned notification whereby Respondent No. 4 has been erroneously appointed. The said appointment is patently illegal, as Respondent No. 4 is neither competent nor eligible for the post in question. The advertisement clearly mandated possession of a Master's degree as an essential qualification; however, Respondent No. 4 merely holds a Bachelor of Arts degree in Second Division. He added that despite this explicit requirement, the Respondents deliberately and intentionally ignored the prescribed criteria, procedures, rules, and regulations, thereby trampling the same underfoot and acting in a manner that is arbitrary, perverse, and unsustainable in the eyes of law. Consequently, the impugned notification is liable to be recalled and set aside. It is further submitted that the impugned notification itself reveals that Respondent No. 4 has been appointed due to favoritism, being a blue-eyed and preferred candidate of the Respondents. Such conduct amounts to nepotism and is wholly contrary to law, fairness, and merit. The appointment, therefore, is misconceived, untenable, and liable to be reversed and withdrawn. The Petitioner's counsel submits that the impugned appointment is in blatant violation of the fundamental principles of merit and transparency as enshrined in the recruitment process. He argued that the deliberate disregard of mandatory eligibility criteria, particularly the requirement of a Master's degree and relevant experience, constitutes a flagrant violation of Articles 4, 9, and 25 of the Constitution of the Islamic Republic of Pakistan, 1973. He added that the Respondents, particularly Respondent No. 3 being a statutory authority, were under a legal obligation to ensure transparency, accountability, and fairness in the selection process. However, their actions are repugnant to the governing statutory framework and constitutional mandates. It is also submitted that the entire process is tainted with procedural irregularities and mala fide intent. He submitted that the

Petitioner was denied access to crucial documents under the Right of Access to Information Act, 2017, despite having fulfilled all legal requirements, including payment of the prescribed fee. This refusal demonstrates a clear attempt to conceal wrongdoing and violates the Petitioner's fundamental right to information, which is an essential component of procedural fairness and administrative justice. Furthermore, the appointment reflects favoritism and external influence, undermining the principles of impartiality, neutrality, and meritocracy; that the Selection Committee failed to exercise due diligence in scrutinizing the credentials of Respondent No. 4 and disregarded the applicable eligibility criteria. Such arbitrary and biased conduct renders the appointment legally unsustainable. The Petitioner's counsel submits that the appointment of an underqualified individual to a position of regulatory importance severely undermines the credibility, integrity, and effectiveness of Respondent No. 3. As a regulatory authority, it is imperative to maintain public trust, which stands compromised by such unlawful actions. Conversely, the Petitioner, being fully qualified and having performed exceptionally well in the selection process, has been unlawfully deprived of a fair opportunity, in violation of Article 27 of the Constitution. That the refusal to disclose the selection record and the lack of transparency further establish mala fide intent and abuse of authority, warranting judicial intervention. It is also submitted that the Selection Committee acted beyond its jurisdiction by appointing an unqualified candidate without lawful justification. That no comparative evaluation of candidates was conducted on merit, qualifications, and experience. He added that the appointment of Respondent No. 4, despite his evident ineligibility, clearly demonstrates arbitrariness and is liable to be struck down in light of settled principles laid down by the superior courts. He added that the Respondents, being public functionaries, were bound to act strictly in accordance with law; however, they have misused their authority and acted for extraneous considerations, thereby rendering themselves amenable to the constitutional jurisdiction of this Court. The Petitioner's counsel further submits that despite being highly qualified and meritorious, he has been unlawfully denied appointment without any justification, causing him irreparable financial loss and deprivation of legitimate benefits. In view of the above, the impugned appointment is not only illegal but also violates the spirit of the Constitution, including Articles 62 and 63, and defeats the Petitioner's legitimate expectation of a fair and merit-based selection process. He emphasized that the circumstances of the case warrant issuance of a writ of quo warranto to declare the appointment of Respondent No. 4 void, and a writ of mandamus directing the Respondents to reconsider the Petitioner's case strictly on merit, in accordance with law.

4. The learned AAG assisted by the counsel for the private respondent raise preliminary objections regarding maintainability, asserting that the petition is not maintainable due to lack of territorial jurisdiction, as the entire process and appointment took place in Islamabad. It is further contended that the Petitioner has concealed material facts, particularly that the findings of the Wafaqi Mohtasib were set aside by the President of Pakistan, who upheld the validity of Respondent No. 4's appointment. She prayed to dismiss the petition.

5. The Respondent No.4's counsel emphasizes that Respondent No. 4 possesses foreign qualifications, including a Bachelor's degree from a recognized UK institution, which has been declared by the Higher Education Commission as equivalent to a Master's degree in Pakistan. It is argued that the recruitment process was conducted lawfully, transparently, and on merit, and Respondent No. 4 was selected through a competitive process approved by the Federal Cabinet. Therefore, no illegality or irregularity exists, and the petition is liable to be dismissed for being without merit and lacking any subsisting cause of action. In support of his contention he relied upon the cases of *Mirza Luqman Masud v Government of Pakistan, Establishment Division & others* **2015 PLC (C.S) 526** and *Messrs Z.A Corporation through Proprietor v Federation of Pakistan & others* **PLD 2025 Lahore 200**. He lastly prayed for dismissal of the petition.

6. We have heard the learned counsel for the parties and perused the record with their assistance and case law cited at the bar.

7. It appears from the record that the Ministry of Information and Broadcasting, Government of Pakistan, through a public advertisement dated 15.8.2024, invited applications for the post of Executive Member, PEMRA, under the relevant provisions of the PEMRA Ordinance, 2002 (as amended). As per the eligibility criteria, the candidate was required to be an eminent citizen having expertise in fields such as media, law, human rights, or social service, and must possess at least a Master's degree in Media Studies, Business Administration, Management, Finance, or Law from an HEC-recognized university, or an equivalent degree from a foreign institution. The maximum age limit for the post was 61 years. The candidates were to be evaluated on the basis of their qualifications, professional experience in reputable institutions, knowledge of electronic media, and understanding of media laws. It is urged that a committee scrutinized the applications and shortlisted 16 candidates for interviews. The Federal Cabinet-appointed Selection Committee, comprising the Minister and Secretary of Information, PEMRA Chairman, and Additional Secretaries of Establishment and Law, interviewed the candidates. Based on their performance, a panel of three candidates, including the petitioner or private respondent No.4 was recommended to the Federal Government, which the cabinet approved the

appointment of private respondent as Executive Member on a full-time basis vide notification dated 4th December, 2024.

8. The objection raised by the petitioner's counsel that the private respondent does not hold a valid degree is without merit. Record shows that the Higher Education Commission (HEC) of Pakistan, in its letter dated 14.03.2025, has explicitly recognized the Bachelor of Arts in Economics and Business with East European Studies awarded by University College London, University of London, UK, as equivalent to a Master's degree in Pakistan, involving 16 years of schooling. Consequently, the respondent No.4 fully meets the advertised eligibility criteria for the post of Executive Member, PEMRA, and the objection regarding his qualifications is prima facie factually and legally unfounded.

9. The contention of the petitioner's counsel that the Wafaqi Mohtasib declared the degree of Respondent No.4 invalid is factually incorrect. Record shows that while the Mohtasib initially observed that equivalence had not been verified at the time of shortlisting, PEMRA filed a representation before the President of Pakistan challenging those findings. Upon review, the President of Pakistan order to statutory regime set aside the Wafaqi Mohtasib's order, holding that the complaint and findings lacked legal justification. It was specifically noted that the Bachelor of Arts degree held by Respondent No.4 from University College London, UK, had been officially recognized by the Higher Education Commission of Pakistan as equivalent to a Master's degree in Pakistan, thereby satisfying the advertised eligibility criteria. Consequently, the claim that the degree is invalid is legally and factually baseless, his point of view is discarded.

10. In principle the Writ of quo warranto lies to challenge an individual holding a public office without legal authority or in violation of statutory provisions. However, in the present case, prima facie the appointment of Respondent No.4 as Executive Member of PEMRA was conducted lawfully, transparently, and on merit. The Ministry advertised the vacancy on 15.08.2024 under the PEMRA Ordinance, 2002 (as amended), requiring candidates to be eminent citizens with expertise in media, law, human rights, or social service, holding a Master's degree or its foreign equivalent. The Federal Cabinet-appointed Selection Committee shortlisted 16 candidates, conducted interviews, and recommended a panel of three, including the petitioner, to the Federal Government, which appointed Respondent No.4 on 04.12.2024. The petitioner's court's claim that Respondent No.4 lacks a valid degree is baseless, as the HEC, in its letter dated 14.03.2025, recognized his UK Bachelor's degree as equivalent to a Master's in Pakistan. Moreover, the President of Pakistan set aside the Wafaqi Mohtasib's order, confirming the validity of the appointment and the degree. Accordingly, the objection is legally and factually unfounded.

11. Prima facie, thus, there is no vacancy for the petitioner to claim, and no ground to question Respondent No.4's legal authority to hold office. Therefore, the writ of quo warranto, which is remedial in nature and requires illegality or excess of authority, cannot be sustained at this stage under these circumstances. The petitioner's counsel claims amount to a challenge on merit, which is not permissible in a quo warranto proceeding.

12. In view of the above facts and circumstances of the case, we are of the considered view that the petition filed by Dr. Saiyid Khusro Iqbal is devoid of merit, lacks any subsisting cause of action. The appointment of Respondent No.4 as Executive Member, PEMRA, is lawful, valid, and fully compliant with statutory requirements.

13. This petition along with pending application(s) is found not maintainable under article 199 of the Constitution which is hereby dismissed with no order as to costs.

JUDGE

JUDGE