

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-6446 of 2024
(*Mohsina Sikandar versus Province of Sindh & others*)

Date	Order with signature of Judge
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and order: 06.8.2026

Mr. Riaz Akhtar Soomro advocate for the petitioner
Mr. Abdul Jalil Zubedi, Additional AG
M/s Riaz Alam Khan and Waqar Umar advocates for respondents No.2 and 3
Mr. Faheem Mahmood advocate for respondents No.7 and 8
Mr. Faheem Ahmed Shar advocate for respondent No.9

ORDER

Adnan-ul-Karim Memon, J. Through the captioned petition, the petitioner prays as under-

- A) Declare that the respondent No.9 holding the post of Assistant-Registrar Academic without proper authority and qualifications is illegal, void, and against the law.
- B) Direct the concerned authorities, Respondent No. 7 & 8, to verify the letter bearing No. SBTE/IC/2017/1620 dated 26.09 2017, and letter No. SBTE/Estt./2017.-1677 and/or bring the entire record of findings against registration No. D-0771/2001-02, in respect of bogus degrees/certificates.
- C) Declare that the concealment of material facts or submission of false documents before the court of law, disciplinary committee constitutes fraud, and take appropriate legal action against the respondent found involved in commission of such illegal acts.
- D) Direct the respondent No. 2 to comply with item No.4 of the 13th syndicate meeting immediately in lieu of the findings of the inquiry committee constituted of respondent Nos. 4, 5 & 6 and take action to vacate the respondent No.9 unlawfully held post of Assistant Registrar (Academic) and refrain from performing any functions therein.
- E) Pass an appropriate Order of recovery of all financial benefits and perks, fraudulently acquired wealth obtained by the respondent No.9 during her tenure in the unauthorized post.
- F) Direct an independent investigation into the recruitment and appointment process, ensuring accountability for those who facilitated or overlooked the irregularities.
- G) Direct the relevant department to review and amend its appointment, verification, and disciplinary policies to prevent similar incidents in the future.
- H) Any other relief / relieves may be granted by this Honorable Court which may deem fit and proper.

2. The Petitioner is serving as Assistant Registrar (BPS-17) at Benazir Bhutto Shaheed University Lyari (BBSUL) since 06.10.2012. Being aggrieved by persistent illegality, maladministration, and abuse of authority within the

University, the Petitioner has invoked the constitutional jurisdiction of this Hon'ble Court under Article 199 of the Constitution.

3. The grievance primarily concerns Respondent No.9, who was initially appointed as Private Assistant to the Vice Chancellor but was subsequently transferred and allowed to hold the post of Assistant Registrar (Academics) without fulfilling the prescribed legal requirements. The Petitioner contends that Respondent No.9 belongs to a different cadre and was not eligible for appointment or transfer to the administrative post of Assistant Registrar. It is further alleged that Respondent No.9 relied upon educational qualifications which were subsequently verified by the concerned authorities and declared bogus, rendering her continuation in public office illegal and without lawful authority.

4. The Petitioner's counsel submits that despite verification reports confirming the bogus nature of the educational documents, Respondents No.2 and 3 deliberately failed to initiate disciplinary proceedings and instead acted in collusion with Respondent No.9 by concealing material facts and protecting her illegal appointment. It is further stated that an Inquiry Committee comprising Respondents No.4, 5, and 6 conducted a detailed inquiry and found the allegations against Respondent No.9 to be proved. The findings were placed before the 13th Syndicate Meeting held on 13.10.2021, wherein disciplinary action was approved. However, the implementation of the Syndicate's decision remained suspended due to interim orders obtained by Respondent No.9 in Suit No.1965 of 2020. Subsequently, the said suit was withdrawn on **17.12.2024**, yet the University authorities failed to implement the Syndicate's decision and allowed Respondent No.9 to continue occupying the post unlawfully. The Petitioner's counsel further alleges that Respondent No.9 misused her official position by collecting unauthorized verification fees between 2014 and 2017, resulting in financial irregularities for which show-cause notices had been issued by the then Vice Chancellor. Although Respondent No.9 attempted to shield herself by initiating proceedings under the Protection against Harassment of Women at the Workplace law, her complaint was ultimately dismissed by the Federal Ombudsman as well as the appellate forum before the President of Pakistan. The Petitioner's counsel submits that the findings of the Inquiry Committee, the resolutions of the Syndicate, the observations of the Federal Ombudsman, and the Audit Reports of the Auditor General of Pakistan consistently reveal serious misconduct, misuse of authority, and financial irregularities on the part of Respondent No.9. He added that despite this overwhelming material, Respondents No.2 and 3 have failed to discharge their statutory duties and have continued to protect Respondent No.9. It is also submitted that the Petitioner had challenged the transfer notification dated 21.03.2014 by filing a representation on 03.03.2015, asserting that Respondent No.9, being appointed as Private Assistant,

could not legally be transferred to the cadre of Assistant Registrar without compliance with the applicable rules. The representation remains undecided despite repeated requests and legal notices. In these circumstances, the Petitioner seeks a declaration that the appointment and continuation of Respondent No.9 as Assistant Registrar (Academics) are illegal and without lawful authority, directions for verification and production of the original educational record, implementation of the Syndicate's decision, removal of Respondent No.9 from the post, recovery of all financial benefits unlawfully received, an independent investigation against all responsible officials.

5. Respondent's counsel submits that an inquiry was conducted regarding the educational credentials of respondent No.9, and based on verification from the concerned board, discrepancies and tampering in academic records were identified. However, he adds that thorough enquiry is needed by the competent Court of law, where evidence be recorded. Prima facie, this assertion is tenable under the law.

6. Respondent No. 9's counsel strongly denies all allegations, asserting that the petition is based on mala fide intent, misrepresentation, and personal vendetta. It is contended that her appointment and transfer were made lawfully in accordance with applicable rules, and that her qualifications are genuine and duly verified. She challenges the credibility of the petitioner's documents and claims, asserting that the inquiry proceedings were biased, procedurally defective, and not legally binding. Allegations of fraud, embezzlement, and misuse of authority are termed baseless and unsupported by evidence. Respondent No. 9's counsel further submits that legal protections obtained in prior proceedings were lawful and justified. It is argued that the petition is not maintainable, filed without clean hands, and intended to harass. Therefore, dismissal of the petition with costs is prayed.

7. Learned Additional AG has referred to comments of respondents No.7 and 8 and submits that their role is limited to verification of educational credentials. However, he confirm that an inquiry conducted in 2017 revealed that the academic record of respondent No. 9 was not found in official registers, contained overwriting and tampering, and could not be verified from the concerned institution. He also submitted that beyond this verification, the remaining allegations pertain to the university and other authorities, and they undertake to abide by the orders of the Court. He adds that proper evidence is required in the matter by the competent forum.

8. However, at this stage learned counsel representing respondents No.2 and 3 denied the allegations with regard to their role in the matter of fraud and forgery and submits that the private respondent was appointed based on the documentary

evidence, per learned counsel degree of private respondents is concerned, the degree needs evidence with regard to its forgery by the civil Court, however she was validly appointed at the relevant time based on her credentials, therefore, this petition is not maintainable and liable to be dismissed. He relied upon the case of Shahid Mehmood v. Benazir Income Support Proframme (BISP) (2024 PLC (C.S.) 1103 and on the judgment passed in the case of Arbab Imtiaz Khan in Constitutional Petition Nos. D-347 to 353, 602 and 604 of 2010, Constitutional Petition Nos. D-1822, 711 and 712 of 2012.

9. We have heard the learned counsel for the parties and examined the available material and case law cited at the bar.

10. This Court is of the considered view that the controversy raised in the instant petition does not involve a pure question of law capable of determination in the constitutional jurisdiction under Article 199 of the Constitution. Rather, the entire case rests upon seriously disputed questions of fact relating to the legality of the appointment of respondent No.9, the authenticity and validity of her educational qualifications, the correctness of the inquiry proceedings, the evidentiary value of the verification reports, the legality of the Syndicate's resolutions, the allegations of fraud, concealment, financial irregularities, and the respective roles of the University authorities. Each of these allegations has been categorically denied by the contesting respondents and cannot be adjudicated without recording oral and documentary evidence.

11. Although the petitioner has attempted to invoke the jurisdiction of this Court in the nature of quo warranto, such jurisdiction is available only where the alleged disqualification or lack of eligibility of a public office holder is apparent from undisputed and admitted material. A writ of quo warranto cannot be converted into a forum for conducting a trial involving disputed questions regarding the genuineness of educational qualifications, allegations of forgery, fabrication of academic records, or fraud, all of which necessarily require proof through legally admissible evidence.

12. The determination whether respondent No.9 possesses a bogus, forged, or tampered educational qualification is essentially a matter requiring examination of original records, production of officials from the concerned educational Board, expert evidence, cross-examination of witnesses, and adjudication upon disputed facts. Such an exercise squarely falls within the exclusive domain of a Court of plenary civil jurisdiction and/or proper legal forum and cannot be undertaken in proceedings under Article 199 of the Constitution, which has limited scope to enforce the fundamental rights of the citizen.

13. Likewise, the allegations regarding concealment of facts before different forums, misuse of authority, unlawful receipt of financial benefits, embezzlement, illegal transfer, collusion by University officials, and non-implementation of the Syndicate's decision are all matters requiring detailed evidence. Constitutional jurisdiction is neither intended nor designed to resolve complex factual controversies requiring a full-fledged trial. The High Court, while exercising constitutional jurisdiction, cannot assume the role of a trial court by recording evidence, determining disputed questions of fact, or adjudicating upon allegations of fraud and forgery.

14. It is also pertinent to observe that the verification reports relied upon by the petitioner are themselves disputed by respondent No.9, who asserts that her educational qualifications are genuine and that the inquiry proceedings were biased and without legal effect. Once the foundational facts themselves are disputed, the extraordinary constitutional jurisdiction cannot be invoked for resolving such controversies. The legality or otherwise of respondent No.9's educational qualifications can only be conclusively determined after appreciation of evidence by the competent civil Court and/or legal forum.

15. At the same time, this Court observes that public institutions are under a continuing statutory and administrative obligation to ensure that no person lacking the prescribed qualifications or holding a forged or bogus educational credential occupies a public office. Therefore, notwithstanding the dismissal of the present petition based on disputed questions of facts, nothing contained in this order shall preclude the respondent University or any other competent statutory authority from independently examining the service record and educational credentials of respondent No.9 in accordance with the applicable law, service rules, statutes, regulations, and disciplinary framework. If, upon such examination, the competent authority reaches the conclusion that respondent No.9 secured appointment or continuation in service on the basis of forged, fabricated, bogus, or otherwise invalid educational qualifications, it shall remain fully competent to initiate and conclude appropriate disciplinary or legal proceedings strictly in accordance with law after providing due process and an opportunity of hearing to the concerned employee.

16. For the foregoing reasons, this Court holds that the relief sought by the petitioner cannot be granted in the exercise of constitutional jurisdiction under Article 199 of the Constitution, as the adjudication of the controversy necessarily requires determination of disputed questions of fact through recording of evidence before a competent court of plenary jurisdiction.

17. Accordingly, the petition is dismissed, leaving the petitioner at liberty to avail any other remedy available under the law before the competent forum. It is clarified that this order shall not prejudice the powers of the respondent University or any competent authority to verify the credentials of respondent No.9 and, if warranted, to proceed against her in accordance with law if they find something fishy on her part.

18. Petition stands dismissed. Listed / pending application(s) is/are also disposed of.

JUDGE

JUDGE

Zahid/*

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