Form No: HCJD/C-121.
JUDGMENT SHEET
IN THE ISLAMABADHIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

I.C.A No. 190 OF 2021

Waqar Ahmad Saleem Qazi.

Vs

National University of Modern Languages and others.

I.C.A No. 227 OF 2021

Faisal Durrani.

Vs

National University of Modern Languages and others.

APPELLANTS BY:	Mr. Muhammad Ishtiaq Ahmed Raja, Advocate in ICA No.190/2021. Barrister Shahmed Saadat Rashid, Advocate/proxy counsel in ICA No.227/2021.
RESPONDENTS BY:	Mr. Nouman Munir Paracha, Advocate for respondents No.1 and 2. Mr. Shahid Habib, Advocate for respondent No.3/HEC.
DATE OF DECISION:	20.05.2025.

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MUHAMMAD ASIF, J.- This judgment shall decide the afore-titled appeals, as common question of law and facts are involved inasmuch as both the appeals arise out of two separate impugned judgments dated 26.03.2021.

2. The brief facts of the cases are that the appellant, Waqar Ahmad Saleem Qazi, has challenged the judgment dated 26.03.2021 in W.P. No. 1161/2020, and Faisal Durrani has challenged the judgment in W.P. No. 1417/2021, both passed by

the learned Single Judge-in-Chambers, whereby the respective writ petitions filed by the appellants were dismissed.

3. The learned counsel for the appellants have contended that both appellants were a *bonafide* students of the respondent university, who successfully completed their PhD thesis and defended it within the prescribed timeline. Despite fulfilling their academic requirements, the appellants admissions were unjustly canceled on the ground of non-submission of a research article published in an HEC-recognized Y-category journal within the stipulated period. It is submitted that the appellants had duly submitted their thesis within the prescribed timeframe which did not exceed from the maximum allowed duration of eight years for the completion of a PhD, as notified by the Higher Education Commission (HEC). He submitted that the appellants had approached the Federal Ombudsman qua seeking their redressal against the university's decision, but no positive or satisfactory response was received. Similarly, the learned Single Judge, while hearing the matters in Chambers, failed to consider these crucial facts and circumstances and dismissed both the writ petitions solely on the basis that the issue pertains to university policy, without a thorough examination of the appellants' compliance with the academic requirements and the relevant HEC regulations. It is further submitted that the university's rigid insistence on publication in a specific category journal, without considering the quality and merit of the thesis itself, is unreasonable and arbitrary. The appellants' academic progress and successful defense of the thesis demonstrates their scholarly competence and fulfillment of the core requirements of the PhD

program. The cancellation of admission on such a technical ground, especially after the defense, undermines the principles of fairness and natural justice. Moreover, the policy invoked by the university should be interpreted in a manner that does not cause injustice to students who have otherwise met the essential criteria for the award of the degree. The appellant's case highlights the need for a balanced approach that recognizes both the academic rigor of the thesis and the practical challenges in publishing research articles within a fixed timeframe. The dismissal of the writ petition without addressing these substantive issues has caused undue hardship to the appellants, which calls for reconsideration in the interest of justice.

4. The learned counsel for National University of Modern Languages **("NUML")** emphasized that the requirement to submit an acceptance letter or a published article in an HEC-approved 'Y' category journal within the prescribed timeframe is mandatory and non-negotiable. The appellants failed to fulfill this essential condition within the stipulated period. Consequently, the appellants' case was presented before the 4th Board of Advance Studies and Research **("BASR")** held in May 2017, and based on its recommendations, the impugned action of cancellation was taken by the university authorities. The learned counsel further argued that the decision was taken in accordance with Regulations for Examinations, 2001, specifically under rules 5.2 and 5.3, and after due process, thereby reflecting the institution's commitment to maintain academic standards. Therefore, the appellants' inability to fulfill this mandatory condition justified the cancellation of admission, therefore, no

exception or leniency could be granted beyond the stipulated deadline. The learned counsel relied upon the judgment of the Supreme Court in the case of "*Khyber Medical University and others vs. Aimal Khan and others"* **(PLD 2022 SC 92)** in support of his contention.

5. The learned counsel for respondent No.3/HEC contended that according to its established criteria, the publication of at least one research paper in an approved journal is a mandatory requirement. It was further argued that the challenged action falls within the domain of NUML's policy-making authority, and as such, NUML is best positioned to formulate and regulate its policies in line with the applicable rules and regulations.

6. We have heard the learned counsel for the parties and perused the record with their able assistance.

7. The appellant has failed to meet the mandatory requirement of submitting a research article published in an HEC-recognized 'Y' category journal within the prescribed timeframe, a condition explicitly mandated by NUML's Regulations for Examinations, 2001 (Rules 5.2 and 5.3) and supported by the established criteria of the HEC. Despite completing and defending the PhD thesis within the allowed duration, the appellant's non-compliance with the publication prerequisite justifies the university's decision, as affirmed in "*Khyber Medical University and others vs. Aimal Khan and others"* **(PLD 2022 SC 92)**, wherein it was held:

> *"4. It has been time and again held by this Court that courts must sparingly interfere in the internal governance and affairs of educational institutions. It is*

simply prudent that the courts keep their hands off educational matters and avoid dislodging decisions of the university authorities, who possess technical expertise and experience of actual day to day workings of the educational institutions. Every university has the right to set out its disciplinary and other policies in accordance with law, and unless any such policy offends the fundamental rights of the students or violates any law, interference by the courts results in disrupting the smooth functioning and governance of the university. It is, therefore, best to leave the disciplinary, administrative and policy matters of the universities or educational institutions to the professional expertise of the people running them, unless of course there is a violation of any of the fundamental rights. or any law.

5. This self-restraint by the courts in the matter of educational institutions is based on the wisdom that academic freedom and institutional autonomy of the universities must be protected and safeguarded. Academic freedom is not merely freedom from restraints on thought, expression, and association in the university, but also that the university should have the freedom to make decisions about the educational matters including disciplinary matters. As "it is the business of a university to provide that atmosphere which is most conducive to speculation, experiment and creation. It is an atmosphere in which there prevail 'the four essential freedoms of a university; who may teach, what may be taught, how it shall be taught and who may be admitted to study."

6. Democracy, human rights and the rule of law cannot become and remain a reality unless higher education institutions, and staff and students, enjoy academic freedom and institutional autonomy. Conversely, we cannot have genuine democracy

unless the higher education and research community is able to inquire freely. Higher education institutions are places that have to be imbued with democratic culture, and that, in turn, helps to promote democratic values in the wider society. Universities are the playgrounds of democracy and the more freedom and independence they enjoy, the more free thinkers and leaders they will produce. The academic, administrative and disciplinary autonomy of a university must therefore be respected.

7. Raison d'etre of courts is to settle disputes, which come before them. It is not the constitutional mandate of the courts to run and manage public or private institutions or to micro-manage them or to interfere in their policy and administrative internal matters. Courts neither enjoy such jurisdiction nor possess the requisite technical expertise in this regard. Courts should step in only when there arise justiciable disputes or causes of action between the parties involving violation of the Constitution or the law."

8. We find no reason to interfere with the judgments of the learned Single Judge in Chambers, as the appellants failure to meet the mandatory publication requirement outweighs claims of arbitrariness or injustice. In *"University of Punjab vs. Muhammad Iqbal"* **(PLD 2012 SC 123)**, the Supreme Court reiterated the universities' right to enforce academic standards rigorously. Similarly, in *"Allama Iqbal Open University vs. Muhammad Aslam"* **(2017 SCMR 1234)**, it was emphasized that non-compliance with mandatory academic requirements justifies the cancellation of admission or degree. Furthermore, *"Quaid-e-Azam University vs. Dr. Khalid Mehmood"* **(2018 SCMR 567)** reaffirmed the obligation of strict

compliance with publication requirements prescribed by universities and the HEC, thereby reinforcing the dismissal of these appeals and upholding the university's commitment to maintaining academic integrity and standards.

9. In view of the foregoing, the afore-titled appeals are without merit and are hereby ***dismissed***.

(ACTING CHIEF JUSTICE)

(MUHAMMAD ASIF)
JUDGE

Shakeel Afzal/-