JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No. 2303 of 2023

JAWAD AHMED MALIK

Versus

INSTITUTE OF LEGAL MANAGEMENT SCIENCE (ILMS), ETC.

Petitioner By	:	Raja Ikram Ameen Minhas, Advocate
Respondent No. 1 By	:	Mr. Shafiq ur Rehman, Advocate
Date of Hearing	:	26.03.2025

MUHAMMAD ASIF, J. Through the instant writ petition, the petitioner seeks direction to the respondents to issue original Detailed Marks Certificate/DMC of LLB Part-II, LLB Part-III, and Degree of LLB without further loss of time.

2. The facts of the case which are relevant for disposal of the instant petition will be discussed in the later part of the judgment.

3. The learned counsel for the petitioner argued that after fulfilling all the requirements, the petitioner got admission in the LLB Programme for the Session 2018-2021, and the student card was issued to him by the Institute of Legal Management Science **("ILMS")**; that the petitioner successfully completed his three years of LLB as a regular student; that the petitioner deposited all the college/institute fees, examination fee and other funds etc; After receiving full fees, Gomal University (**"Respondent No. 2"**) issued regular Roll Number Slips of all three years and allowed the petitioner through ILMS to appear in all three exams as regular student; that the petitioner successfully passed all three annual examinations and was declared as successful candidate; that the Respondent No. 2 issued the DMC for the first year but for the next two the years, no DMC was

issued to the petitioner; that the petitioner approached all the forums but the DMC and Degree of LLB were never issued to him and the reason was given by the ILMS to the petitioner that his DMC and LLB Degree was not issued by the Respondent No. 2 on the ground that the petitioner had passed his graduation in the third division; that after complete scrutiny of all the documents petitioner got admission of LLB in Respondent No. 2 through ILMS and later on appeared in all the exams; that the basic criteria of the admission for LLB is that a candidate must be graduate and that degree is important, which was produced by the petitioner at the time of admission and the objection regarding third division after lapse of considerable time is illegal, unjustified and not sustainable in the eyes of law.

4. The learned counsel for respondent No. 1 repelled the above submissions and argued that the petitioner had provided fake and bogus degrees for getting admission in the institution while concealing the facts that he had not the requisite qualification. He also raised an objection on the maintainability of the instant writ petition, submitting that as the University exists in the territorial jurisdiction of the Peshawar High Court, Peshawar, hence the instant writ petition is not maintainable before the Islamabad High Court, Islamabad, hence is liable to be dismissed.

5. I have heard the learned counsel for the parties and gone through the record with their able assistance.

6. Perusal of the record reveals that the petitioner has prayed for the issuance of LLB Degree through the instant writ petition. The petitioner got admission in ILMS (**“the Institution”**), which is an affiliated institution with the Gomal University of D.I.Khan. The petitioner applied for his admission through ILMS. The admission forum submitted by the petitioner stipulates his marks as 337/800,

third division. On the basis of admission form he got admission in the LLB program 2018-2021. He appeared in the first-year exam and got 1st year certificate, in the meanwhile a complaint against the petitioner, on Prime Minister Citizen Portal, was filed stating that the petitioner had not the requisite qualification but admission was granted by the respondents with malafide intention. The Prime Minister's Complaint Cell took notice of the said application and asked the Chief Minister's Office, KPK, to look into the matter and submit his report, wherein the petitioner was asked to submit his original documents, which he submitted at the time of admission. The petitioner submitted his degree wherein his marks were mentioned as 437/800 with 2nd Division; however, in-original marks obtained were 337/800 with third division, which is not as per the requirements of the University.

7. The petitioner appeared in the 2nd year and 3rd year exams despite the fact that he had submitted forged documents and due to pending inquiry in the matter, the university did not issue the result to the petitioner.

8. The respondent No. 1 in his arguments raised objection to the maintainability of the instant writ petition filed before this Court. He submitted that as the university is situated in the territorial jurisdiction of the Peshawar High Court, Peshawar, therefore, the instant writ petition is not maintainable.

9. While deciding the question of maintainability in the instant writ petition, guidance is solicited from the case decided by this Court in **(W.P. No. 181 of 2020)** titled as *Shah Faisal v. Federation of Pakistan, etc* wherein it has been held that *"the Gomal University, Dera Ismail Khan is situated outside territorial jurisdiction of this*

Court and no order can be passed against it under Article 199 of the Constitution."

10. In the light of above, the instant writ petition is **dismissed** as not maintainable. The petitioner is directed to approach the Court of competent jurisdiction, if so desired.

(MUHAMMAD ASIF*)*
JUDGE

Announced in open Court on 21.04.2025

JUDGE

//*Kamran*//