JUDGMENT SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

WRIT PETITION NO. 403 OF 2024

Abdullah Qamar
Versus
National University of Modern Languages, and others.

Petitioner by	**:**	**Mr. Umair Mahmood, Advocate.**
Respondents by	**:**	**Mr. Nauman Munir Paracha, Advocate for the Respondents No.1 to 6. State Counsel.**
Date of hearing	**:**	**16.10.2025**

MUHAMMAD AZAM KHAN, J. The brief facts of the case are that the petitioner applied for admission in BS International Relations (Fall 2018 Session) at the National University of Modern Languages ("**NUML**")/ respondent's university. After fulfilling codal formalities, he was admitted as a registered student. Subsequently, the petitioner applied for transfer from the morning to the evening shift. Later, the university informed him through a letter dated 13.10.2022 that his admission stood cancelled. Aggrieved thereby, the petitioner filed Writ Petition No. 2992 of 2023, assailing the cancellation letter dated 13.10.2022. During arguments, the learned counsel for the petitioner submitted that his client would be satisfied if the said writ petition is treated as a representation and the respondents be directed to decide the same expeditiously. On the basis of the statement made before the Court, the writ petition was disposed of on 28.09.2023, directing the respondents to decide the representation within a period of one month. In compliance, the Rector, NUML, vide order dated 28.10.2023, dismissed the petitioner's representation, which is now under challenge through the instant constitutional petition.

2. Learned counsel for the petitioner submitted that the representation was dismissed solely on the ground that the petitioner, in his admission form, stated that he had obtained 443 marks out of 950 marks, whereas his actual score was 443 out of 1100 marks. He argued that the petitioner attended classes for almost four years, deposited the entire fee, and his admission should not be rescinded at

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such a late stage. He further contended that by attending classes and paying fees, a vested right accrued in his favor which cannot now be withdrawn on the principle of *locus poenitentiae*. He also maintained that education is a fundamental right of every citizen, including the petitioner; he cannot be deprived of it on technical grounds. In support of his arguments, he relied upon 1999 SCMR 965, 2016 MLD 1199, and 2024 MLD 638.

3. In order to appreciate the controversy, respondent No.1/NUML was directed to submit a report, which has been placed on record. Upon perusal of the report and hearing the learned counsel for both sides, it emerges that the petitioner misrepresented his marks in the online admission form as 443 marks out of 950 instead of 443 out of 1100 marks, thereby inflating his percentage. The correct result placed him in the 3rd Division, below NUML's eligibility criteria for admission. The record further reveals that his admission had actually been cancelled ab initio on 15.10.2018, yet he managed to attend classes by exploiting procedural loopholes. It has also been established that he was ceased from the roll after the 6th semester due to a CGPA of 1.89/4.00, below the minimum prescribed requirement of the university.

4. It is a well-settled proposition of law that the High Courts, while exercising constitutional jurisdiction under Article 199 of the Constitution, do not ordinarily interfere in academic, disciplinary, or administrative policy matters of educational institutions, particularly where no violation of any fundamental or statutory right is established. The petitioner's own conduct, however, is tainted with misrepresentation and concealment. In his admission form, he categorically declared that "**The information furnished in the application form is correct and nothing has been concealed in this regard. Moreover, all the attached documents i.e. Matric/ Intermediate/ Bachelor/ Master/ MS/ MPhil/ equivalent results are complete, correct and meet the eligibility criteria as per advertisement. If the information provided or the documents attached are found deficient/incorrect/false/fake/or tampered at any stage, the university has the right to cancel my admission without any**

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refund and I will not challenge that in any court. If any forgery/deficiency against the advertised eligibility criteria is found at any stage of my studies, the university has every right to cancel my admission without the refund of fee and the university reserves the right to cancel my admission/registration without the degree transcript even after the completion of my educational program." Having voluntarily and consciously executed such an undertaking, the petitioner stands precluded, under the well-established doctrine of estoppel, from invoking the constitutional jurisdiction of this Court to seek protection against the very consequence that lawfully emanates from his own false declaration. A party that, with open eyes, accepts a condition and later acts in breach of it cannot be permitted to approbate and reprobate in the same breath. The petitioner, having misrepresented material facts at the time of admission, cannot now seek equitable relief from this Court against the operation of the undertaking he himself executed.

5. The judgments relied upon by the petitioner are clearly distinguishable, as they rest upon factual matrices entirely different from the controversy raised in the instant petition. In 1999 SCMR 965, reliance was placed upon circumstances wherein the university had unilaterally altered its admission policy after the admissions had already been announced, classes had commenced, and students had deposited their fees. By that change, twelve (12) seats were reserved for the children of doctors, thereby reducing the number of seats available to other candidates. The Hon'ble Supreme Court, in those peculiar facts, held that once decisive steps had been taken, admissions finalized and fees received, a vested right had accrued in favor of the admitted candidates which could not subsequently be withdrawn under the principle of *locus poenitentiae*. Similarly, in case *2016 MLD 1199*, the petitioners in that case applied for admission in Bachelor of Science in faculty of Civil Engineering, however, the admission was given to those in Computer Sciences due to the fact that petitioners could not secure the required marks to be admitted to discipline of Civil Engineering, and the petition was disposed of with the consent to the counsel appearing for the university in following terms: -

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> *"We therefore set aside the impugned letters all bearing No. SSET/REG/2015/150 dated 12.01.2015 and restore the admission of the petitioners to the discipline of Computer Science. Though Mr. Abrar Hasan, Advocate has made a categorical statement that not a single student was allowed change of faculty from Computer Science to Civil Engineering, notwithstanding we would like the respondents Nos. 1 to 4 to hear the petitioner and to consider the case of transfer of the petitioners from the discipline of Computer Science to Civil Engineering sympathetically but strictly as per rules. The respondents Nos. 1 to 4 may show further grace, magnanimity and leniency to the petitioners while considering their case so that their future and academic year should not be ruined, if the rules and regulations of the respondent No.1 University permit them to do so."*

6. Likewise, in 2024 MLD 638, the grievance of the petitioner was that the Rawalpindi Medical University issued him a call letter on 25.01.2023, directing him to report on 24.01.2023, a date that had already passed. The petitioner nevertheless reported but was not allowed admission and was instead placed below less meritorious candidates. The Hon'ble Lahore High Court, in order to uphold the sanctity of merit and to prevent injustice arising from administrative error, directed the university to allow the petitioner admission in the M.B.B.S. *Session 2022–2023* with the following observations:

> *"7. There is no cavil that ordinarily courts exercise restraint in interfering with the internal governance and affairs of the educational institutions and keep their hands-off educational matters and avoid dislodging the decision of the university authorities but this is not a rule of universal application though it may be followed generally. Reference to this effect can be made to* Yasir Nawaz and others v. Higher Education Commission and others (PLD 2021 Supreme Court 745). *Relevant extract from the same is reproduced below.*
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> > *"9. Beside, the decision taken by the HEC is a policy one, and by now it is settled law in various jurisdictions that Courts should generally resist from interfering in policy matters of educational institutions and students, like the HEC. The rationale for the same is that such matters of an academic and educational nature necessitate the need for technical and professional expertise which may only be attained as a result of working with and by educational institutions. Courts are neither equipped with nor do they possess the relevant experience as such. However, it does not*

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> *mean that the courts would not step in where the request of the parties ensues and is intertwined with the requirements of natural justice and principles of law. Applied with and to the cases of future justice and fairness, the Courts would not hesitate in stepping in, in cases where competent principles of law have been compiled with reference to or connected with education. Reference can readily be made to the cases of Noor Muhammad Khan Marwat v. Vice-Chancellor, Zakatery University (PLD 2001 SC 219) and Maharashtra State Board v. Paritosh Bhupeshkumar Sheth and others (AIR 1984 SC 1543)."*

> *"9. In the present case, the petitioner duly qualified the "MDCAT" and was on open merit list, but due to late intimation by the University itself, he was deprived of his fundamental right to education as guaranteed under Article 25-A of the Constitution of the Islamic Republic of Pakistan, 1973. The petitioner has thus duly made his case for issuance of writ to the respondents. Resultantly, this petition is allowed and respondents are directed to give admission to the petitioner in first year of MBBS session 2022-23. No order as to costs."*

7. A university, much like a school, represents the foundational stage in a citizen's moral and intellectual development. It is the cradle of discipline, character, and integrity. When a student, at such an impressionable stage of life, resorts to concealment or misrepresentation in order to secure admission, it is not merely a breach of institutional rules but a violation of the very ethos of education, which rests upon honesty and merit. The petitioner, by intentionally declaring false academic particulars, has not only deceived the university but has also betrayed the sanctity of the educational process and the trust reposed in students as future professionals and citizens. Such conduct, if condoned, would set a dangerous precedent undermining the credibility of academic institutions and the principle of meritocracy that sustains them.

8. Education is not merely a privilege, it is a trust founded on integrity. Universities are custodians of that trust; they are not obliged to retain those who seek entry through misrepresentation. Courts, while exercising constitutional jurisdiction, cannot substitute compassion for compliance nor allow sympathy to override statutory discipline. It is therefore imperative for educational institutions to nip the evil in the bud, ensuring that dishonesty and academic

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fraud are checked at the earliest stage before they contaminate the broader culture of learning. This case serves as a solemn reminder that academic institutions must remain vigilant against deceit, and students must realize that integrity at the threshold of learning is indispensable to integrity in life. The petitioner, regrettably, chose to begin his academic journey on a false foundation, and having done so, he cannot now invoke equity to validate that which was void from inception.

9. As regards the contention that the petitioner's continued attendance in classes and regular payment of fees created a vested right under the principle of *locus poenitentiae*, it suffices to observe that an illegality cannot ripen into legitimacy merely through the passage of time or by continued participation in an unlawful arrangement. No benefit can flow from a fraudulent or deceitful act. The petitioner, being the architect of his own wrong, cannot claim equity or protection from this Court. The equitable maxim *"he who seeks equity must come with clean hands"* squarely applies. A structure founded upon falsehood cannot be sustained in law; therefore, any claim erected upon such a defective foundation must collapse under its own weight, and the petitioner alone must bear responsibility for the consequences of his own misconduct.

10. For the reasons discussed above, this petition is devoid of merit and is accordingly ***dismissed***. However, it is observed that the university shall refund all fees collected from the petitioner within one month from the date of receipt of this order. There shall be no order as to costs.

(MUHAMMAD AZAM KHAN)
JUDGE

Announced in Open Court on_____.

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Sajid

Approved for Reporting
Blue Slip added.

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