



GOVERNOR PUNJAB

ORDER

No.GS(Univ-D)11-5/2017- 25

Date of Hearing: 16.09.2021

Present:

1. **Prof. Dr. Muhammad Ilyas Tariq,**
Institute of Chemistry,
University of Sargodha
2. **Mr. Waqar Ahmad ,**
Additional Registrar (General),
University of Sargodha
3. **Syed Nasir Abbas Bukhari,**
Deputy Registrar,
University of Sargodha

Petitioner

Representatives of
University of Sargodha

This order will dispose of the revision petition of Prof. Dr. Muhammad Ilyas Tariq, Institute of Chemistry, University of Sargodha referred to this forum by the Hon'ble Lahore High Court, Lahore, vide order dated 15th June 2021, passed in connection with Writ Petition No. 37666/2021 titled "*Prof. Dr. Muhammad Ilyas Tariq versus Governor of Punjab / Chancellor, University of Sargodha etc*" wherein the petitioner has challenged the appointment of Dr. Sajid Bashir as Professor of Pharmacy (BS-21).

2. Brief facts of the case are that the University of Sargodha advertised one post of Professor of Pharmacy (BS-21), with last date for submission of applications as 31st December 2009. Dr. Sajid Bashir applied for the said post. Having fulfilled the pre-requisites such as determination of eligibility and obtaining evaluation reports of local and foreign referees, the case was placed before the Selection Board in its meeting dated 20th – 21st March 2012. The Selection Board recommended Dr. Sajid Bashir for his appointment as Professor of Pharmacy (BS-21). The Vice Chancellor, in exercise of powers under Section 13(3) of the University of Sargodha Ordinance 2002, appointed Dr. Sajid Bashir as Professor of Pharmacy (BS-21) vide Notification dated 22nd March 2012. The Syndicate approved recommendations of the Selection Board in its meeting held on 9th July 2012.

3. The petitioner Dr. Muhammad Ilyas Tariq filed Writ Petition No. 37666/2021 in the Hon'ble Lahore High Court, Lahore, challenging appointment of Dr. Sajid Bashir as Professor of Pharmacy (BS-21), which was disposed of, vide order dated 15th June 2021, in the following terms:

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"2. The request being tenable, learned Law Officer, as well as learned counsel having watching brief on behalf of respondent-University concurs with the same. Consequently, this petition is disposed of with the direction to the said respondent to ensure decision of the aforesaid application by himself or through any other authority competent in that regard, in accordance with law, relevant rules, policies applicable thereto after hearing the petitioner through a speaking order according to section 24-A of the General Clauses Act, 1897 expeditiously preferably within eight weeks from the receipt of certified copy of this order under intimation to this Court through Deputy Registrar (Judl.). Learned Law Officer shall ensure the compliance of this order."

4. Pursuant to the above direction of the Hon'ble Court, Dr. Muhammad Ilyas Tariq was afforded an opportunity of personal hearing on 16th September 2021 in the presence of representatives of the University.

5. During the course of hearing, the petitioner contended that foreign referee namely Prof. Severre Arne Sande from Oslo University of Norway clearly mentioned in his report that Dr. Sajid Bashir did not possess required number of 15 research publications; a pre-requisite for appointment as Professor of Pharmacy (BS-21). The petitioner, therefore, claimed that Dr. Sajid Bashir was not eligible for appointment as Professor of Pharmacy (BS-21), as he was deficient on criterion of required number of research publications. The second foreign referee namely Muhammad Azmi Ahmad Hassali was research collaborator of Dr. Sajid Bashir. He, therefore, should not have been selected as foreign referee to evaluate application dossier of his research collaborator. The petitioner termed it a conflict of interest, thus needs to be addressed accordingly. He further contended that meeting of the Selection Board dated 20th March 2012 in which the case of appointment of Dr. Sajid Bashir as Professor of Pharmacy (BS-21) was discussed, was short of quorum, because one member of the Selection Board namely Dr. Zahoor-ul-Hassan, who attended the meeting of the Selection Board as Dean of Pharmacy, was not appointed as Dean, Faculty of Pharmacy by the Governor/Chancellor/Competent Authority. He was rather assigned look after charge of this Faculty by the Vice Chancellor. He, therefore, contended that Dr. Zahoor-ul-Hassan, who was Dean of Faculty of Medical & Health Sciences, was not entitled to attend the meeting of the Selection Board as Dean, Faculty of Pharmacy. In all four members, including Dr. Zahoor ul Hassan, attended the meeting of the Selection Board dated 20th March 2012, which is the minimum requirement of the quorum of the Selection Board in terms of Para 6(3) of the First Statutes appended as Schedule with the University of Sargodha Ordinance 2002. He further submitted that Dr. Zahoor ul Hassan was appointed as Dean, Faculty of Medical & Health Sciences w.e.f. 19th February 2009 for a period of three years. The tenure of

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


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Dr. Zahoor ul Hassan as Dean, Faculty of Medical & Health Sciences comes to an end on 18th February 2012. The petitioner, therefore, contended that Dr. Zahoor ul Hassan was not even Dean of Faculty of Medical & Health Sciences on 20th March 2012, the date of the meeting of the Selection Board. The petitioner, therefore, contended that presence of Dr. Zahoor ul Hassan in the meeting of the Selection Board dated 20th March 2012 cannot be considered as that of a legitimate member of the Selection Board. He further submitted that he had been approaching the University authorities since 2012 concerning illegal appointment of Dr. Sajid Bashir as Professor of Pharmacy (BS-21); however, he did not receive any response from the University. Finally, he pleaded that appointment of Dr. Sajid Bashir as Professor of Pharmacy (BS-21) be declared null & void.

6. Conversely, representative of the University submitted that Dr. Sajid Bashir claimed 19 research publications in his application submitted for the post of Professor of Pharmacy (BS-21). The Dean concerned declared him eligible for the post of Professor of Pharmacy (BS-21). The application dossier of Dr. Sajid Bashir was sent to one local and two foreign referees for evaluation. Two of the referees declared that Dr. Sajid Bashir meets the requirements of appointment as Professor of Pharmacy (BS-21); whereas, the third referee showed his reservations on required number of publications of Dr. Sajid Bashir. He further submitted that, as per record of research publications, Dr. Muhammad Azmi Ahmad Hassali, Associate Professor from Malaysia never remained research collaborator of Dr. Sajid Bashir till submission of application for the post of Professor of Pharmacy (BS-21). He further added that, as per Para 6(3) of the First Statutes appended as Schedule with the University of Sargodha Ordinance, 2002, the quorum of Selection Board in case of positions of Professor should be four. And, as per office record, four members were present in the meeting of Selection Board held on 20th March 2012 for selection of Professor of Pharmacy (BS-21). As regard presence of Dr. Zahoor-ul-Hassan as member of the Selection Board, representative of the University stated that Para 2(2) of the Statutes ibid stipulates that, if no Professor is available in a Faculty, a Professor from some other Faculty may act as a Dean. Accordingly, the Vice Chancellor directed Dr. Zahoor ul Hassan, Dean Faculty of Medical & Health Sciences to look after the office of the Dean of Faculty of Pharmacy. Concerning matter of seniority, he submitted that issue had already been resolved in the light of order of Hon'ble Lahore High Court, Lahore dated 21st May 2020. He submitted that Dr. Muhammad Ilyas Tariq is the senior most Professor in the Institute of Chemistry; whereas, Dr. Sajid Bashir is the senior most Professor of the University of Sargodha. Finally, he submitted that appointment of Dr. Sajid Bashir as Professor of Pharmacy

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


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(BS-21) has been made in accordance with provisions of the University Law/Statutes. Therefore, petition of Dr. Muhammad Ilyas Tariq be dismissed being devoid of merit.

7. I have carefully gone through contentions of the parties and closely examined the record placed before me. I have noted that the petitioner has challenged the appointment of Dr. Sajid Bashir as Professor of Pharmacy (BS-21) on two grounds. First, the meeting of Selection Board in which Dr. Sajid Bashir was recommended for appointment as Professor of Pharmacy (BS-21) was short of quorum, as Dr. Zahoor ul Hassan was not eligible to attend the meeting as Dean, Faculty of Pharmacy as he was not appointed Dean of Pharmacy by the Governor / Chancellor / Competent Authority. Second, as per report of one of the referees, Dr. Sajid Bashir did not have required number of research publications, published in HEC recognized journals to his credit; as such he was not eligible for appointment as Professor of Pharmacy (BS-21). It is evident that alleged deficiencies in appointment of Dr. Sajid Bashir, as Professor of Pharmacy (BS-21) are legal and technical in nature. I have noted that Section 21(1) of the University of Sargodha Ordinance 2002 provides that the Syndicate shall be the executive body of the University and shall, subject to the provisions of this Ordinance and Statutes, take effective measures to raise standard of teaching, research, technological development, publications and other academic pursuits and exercise general supervision over the affairs and management of the property of the University. Further, Section 21(2)(xvii) of the Act ibid empowers the Syndicate to appoint University teachers and other officers on the recommendation of the Selection Board for teaching and other posts in BS-17 or equivalent and above. It is also worth taking note that Para 7(1) of the First Statutes appended as Schedule with the University of Sargodha Ordinance, 2002 reads that the Selection Board for teaching and other posts shall consider the applications received in response to an advertisement or cases of persons whose services are to be acquired on deputation basis, and recommend to the Syndicate the names of **suitable persons** for appointment to teaching or other posts, as the case may be. It is pretty clear from above stipulations of the University Ordinance and Statutes that it is the responsibility of the Selection Board and the Syndicate that only those applicants in the University should be recommended and appointed in the University service who possess the criteria prescribed under the University Statutes. At first place, it is obligatory upon the Selection Board to make sure that proceedings of the Selection Board are in accordance with provisions of the University Ordinance/Statutes and only criteria compliant suitable candidates are recommended to the Syndicate for appointment against teaching and non-teaching positions. Then, in turn, it is the responsibility of the Syndicate to make sure that recommendations of the Selection Board placed on its agenda have been firmed up in accordance with the provisions of the University Ordinance/Statutes. Only then, the Syndicate should decide to make appointments of candidates recommended to it by the

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Selection Board. In the instance case, it was the responsibility of the Selection Board and the Syndicate to make sure that Dr. Sajid Bashir meets minimum requirements as per Statutes of the University for appointment as Professor of Pharmacy (BS-20). It was also the responsibility of the University Authorities/Officers to make sure that meetings of the University Authorities were in quorum in order to give legitimacy to decisions made in their meetings. As such, both the issues raised by Prof. Dr. Muhammad Ilyas Tariq pertain to the University Authorities i.e. the Selection Board and the Syndicate. Dr. Sajid Bashir, by no means, should be made to suffer for follies of the University Authorities, and that too after more than nine years of his appointment as Professor of Pharmacy (BS-21). The appointment of Dr. Sajid Bashir as Professor of Pharmacy (BS-21) at this stage is a past and closed transaction. However, the Syndicate should review the recruitment process of the University and should take steps to improve its credibility, transparency and competitiveness, while remaining compliant to the University Law/Statutes.

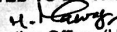
8. For what has been stated above, I, in exercise of powers conferred upon me under Section 10 of the University of Sargodha Ordinance 2002, am inclined to decide the instant revision petition in the following manner:

- (i) *Revision petition of Dr. Muhammad Ilyas Tariq, to the extent of declaring appointment of Dr. Sajid Bashir as Professor of Pharmacy (BS-21) as null and void, is dismissed being devoid of merit.*
- (ii) *The Syndicate of the University is directed to review the recruitment process of appointment of Dr. Sajid Bashir as Professor of Pharmacy (BS-21), with due attention to the alleged irregularities pointed out by Prof. Dr. Muhammad Ilyas Tariq in his revision petition, and if required, take necessary action against the University Authorities/Officer(s)/Official(s) on their failure to perform their duty as per requirements of the University Law/Statutes.*

9. Parties to the case be informed accordingly.


MOHAMMAD SARWAR
GOVERNOR / CHANCELLOR

Lahore 28 OCT 2021

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