

THE FEDERAL CONSTITUTIONAL COURT OF PAKISTAN
(Appellate Jurisdiction)

Present

Justice Syed Hasan Azhar Rizvi
Justice Muhammad Karim Khan Agha

F.C.P.L.A. No. 59/2025

(Against the judgment dated 04.08.2025, passed by the Islamabad High Court, Islamabad in W.P. No. 1594/2025)

Mst. Shehla Khaliq

.....Petitioner(s)

Versus

*President, International Islamic University &
another*

.....Respondent(s)

For the Petitioner(s) : Syed Qamar Hussain Sabzwari, ASC

For the Respondent(s) : Mr. Muhammad Ramzan Khan, ASC
alongwith Dr. Bashir Ahmad,
Director (Graduate Studies) and Ms.
Nosheen Syed, Addl. Director
(Academics & Exams), IIUI

Date of Hearing : 01.10.2026

J U D G M E N T

Syed Hasan Azhar Rizvi, J.- Through the instant petition, filed under Article 175F(1)(c) of the Constitution of the Islamic Republic of Pakistan, 1973 (**‘Constitution’**), the petitioner seeks leave to appeal against the judgment dated 04.08.2025 (**‘impugned judgment’**) passed by the Islamabad High Court, Islamabad (**‘High Court’**), whereby her Writ Petition No. 1594 of 2025/2026, challenging the legality of the regret letter dated 06.05.2025 issued by the respondent, through which her representation seeking an extension of time for submission of her PhD thesis had been rejected, was dismissed.

2. The necessary facts, as per the contents of the petition, briefly, are that the petitioner was enrolled in the PhD (Law) programme of the International Islamic University, Islamabad (**IIUI**) in Fall 2015. She completed the prescribed coursework in Spring 2016; the result whereof was declared on 19.07.2016. The Rules governing the programme required the comprehensive examination to be conducted within ninety days of completion of the coursework. Her comprehensive examination was, however, conducted on 26 and 30.12.2016, while its result was notified on 26.07.2017. Later, her synopsis underwent consideration before the relevant academic bodies of the IIUI, i.e. by the Board of Studies (**BOS**) and thereafter by the Board of Faculty (**BOF**), during which certain amendments were suggested and a supervisor was eventually assigned to her. The synopsis was ultimately approved by the Board of Advanced Studies and Research (**BASR**) on 07.02.2019, at a meeting held approximately eight months after the meeting of the Board of Faculty (**BOF**). Meanwhile, following her marriage to a doctor in November 2017, the petitioner had to relocate with her husband to District *Lakki Marwat*, where he was posted as a Medical Officer at the District Headquarters Hospital. According to the petitioner, the remoteness of the area, limited internet and cellular connectivity, and her responsibilities relating to the care and upbringing of two children impeded the progress of her research. Her research work was further affected by the COVID-19 pandemic, during which the IIUI remained closed and access to its library and other research facilities was restricted. Notwithstanding these difficulties, she continued her research and eventually completed her thesis. On 29.08.2024, when she approached the IIUI to submit her completed thesis, she was informed that her case had become time-barred. She therefore sought an extension of her registration and permission to submit her thesis for evaluation. Her formal representation, accompanied by a copy of the completed thesis, the plagiarism report and a letter from her supervisor confirming its completion, was received by the IIUI on 21.10.2024. Her request was, however, declined through the letter dated 06.05.2025. Aggrieved thereby,

she invoked the constitutional jurisdiction of the High Court, but her writ petition was dismissed through the impugned judgment. Hence, the instant petition.

3. Learned counsel for the petitioner contended that the High Court failed to appreciate that the petitioner was not seeking interference in any matter involving academic evaluation or merit, but only the lawful consideration of her request for extension of time to submit an already completed PhD thesis. The substantial delay had occurred at the end of the IIUI itself, particularly in the conduct and declaration of the result of the comprehensive examination and in the subsequent process leading to approval of the research synopsis. The petitioner's research was further impeded by circumstances beyond her control, including the COVID-19 pandemic and her relocation to a remote area having limited internet and cellular connectivity. Notwithstanding these circumstances, she completed her thesis and approached the IIUI for its submission along with the plagiarism report and her supervisor's letter confirming its completion. These circumstances required meaningful consideration by the competent authority instead of rejection of her request merely on the ground that the prescribed period had expired. The High Court erred in treating the matter as one falling exclusively within the academic domain and, consequently, beyond the scope of judicial review. Reliance was particularly placed upon the HEC Graduate Education Policy, 2023, which, according to the learned counsel, contemplated consideration of an extension where the delay resulted from *force majeure*, circumstances beyond the control of the student, or procedural or administrative reasons attributable to the institution.

4. Conversely, learned counsel for the IIUI supported the impugned judgment and contended that the petitioner had failed to complete her PhD programme within the maximum period prescribed under the applicable Rules and the University's notification dated 14.12.2021. It was submitted that, despite the

relaxation already extended to students of her cohort, the petitioner was required to submit her thesis by 31.08.2023, whereas she approached the University for its submission only on 29.08.2024, after expiry of the prescribed period. No vested or enforceable right accrued to the petitioner to claim a further extension merely on the ground that her thesis had subsequently been completed. Further, the matters relating to the duration and completion of academic programmes, extension of registration and acceptance of a thesis fall primarily within the domain of the competent academic bodies of the University. The petitioner's request had been considered by the competent authorities and was declined on the recommendation of the BASR, which decision was subsequently approved by the President, IIUI. He, therefore, prayed that the petition for leave to appeal be dismissed.

5. We have heard the learned counsel for the parties and, with their able assistance, examined the record. It is not seriously disputed that the petitioner did not submit her thesis within the ordinary eight-year period prescribed under the University's Notification dated 14.12.2021. The real controversy, however, is whether, notwithstanding the expiry of that period, her request for extension was required to be considered under the exceptional mechanism contemplated by clause 3.12(iv) of the Higher Education Commission Graduate Education Policy, 2023 (**'Policy of 2023'**). Now, the petitioner's grievance is that neither the IIUI nor the High Court examined her case in the light of that provision, and that her representation was declined principally on the ground that the prescribed period had expired. The resolution of this controversy requires us to examine the nature and scope of the Policy of 2023, its applicability to the IIUI, a university established under a statutory framework, and the obligations, if any, arising thereunder in relation to requests for extension. We, therefore, consider it appropriate to address these foundational questions before examining the legality of the decision taken on the petitioner's representation.

6. The Higher Education Commission (**‘HEC’**) is a statutory body established under the Higher Education Commission Ordinance, 2002 (**‘Ordinance of 2002’**), with a broad mandate concerning the evaluation, improvement and promotion of higher education, research and development in Pakistan. Section 10(1)(a) of the Ordinance expressly empowers the Commission to ‘formulate policies, guiding principles and priorities for higher education Institutions’, while clauses (b) and (c) authorise it to evaluate the performance of institutions and, in consultation with them, prepare plans for the development of higher education. Section 10(1)(d) further empowers the HEC to prescribe conditions under which higher education institutions, including those outside the State educational system, may be opened and operated. The statutory mandate of the HEC extends beyond mere advisory or financial assistance. Section 10 entrusts it, *inter alia*, with accreditation and evaluation of institutions and their departments, faculties and disciplines; determination of equivalence and recognition of degrees, diplomas and certificates; development of guidelines for evaluation of faculty and institutional performance; prescription of minimum criteria concerning faculty appointments and qualifications; guidance to institutions in the design of curricula; and establishment of minimum standards for good governance and management of higher education institutions. The HEC itself describes these functions as forming part of its statutory quality-assurance mandate under section 10 of the Ordinance.

7. At the same time, the statutory mandate of HEC does not displace the academic and administrative autonomy conferred upon universities by their respective governing laws. The two operate in distinct, though interconnected, spheres within the higher education framework. A university retains autonomy in matters involving academic judgment and the administration of its academic programmes, whereas HEC, in exercise of the functions entrusted to it under the Ordinance of 2002, formulates policies, guiding principles and standards for the higher education sector.

The University autonomy, therefore, cannot be viewed in isolation from the regulatory framework formulated by HEC in exercise of its statutory mandate. This distinction assumes particular significance in the present case. The University's internal Rules and the HEC's Policy of 2023 do not emanate from the same source. While the former originates within the institutional framework of the IIUI, the latter has been formulated by HEC in exercise of its statutory functions relating to higher education. It is noted with great importance that the High Court declined interference principally on the premise that the University's internal academic Rules were non-statutory and, therefore, did not confer an enforceable legal right upon the petitioner. That reasoning, however, did not separately examine the nature, effect and applicability of the Policy of 2023, particularly Clause 3.12 upon which the petitioner had placed reliance. The said Clause is reproduced hereunder for ease of reference:

'3.12 Degree Completion Timeline'¹

- i. The PhD degree shall be awarded by the universities not before the completion of three years or six regular semesters and not after completion of eight years or 16 regular semesters, save exceptions mentioned at clause 3.12(iv).*
- ii. The completion date of PhD degree shall be reckoned with the date of notification of the award of PhD degree.*
- iii. The maximum duration shall be determined from the date of student enrollment until the date of the completion notification of the PhD degree.*
- iv. In case a student is unable to secure a PhD degree within the prescribed timeframe and claims for extension in duration, the university may constitute appropriate authority and determine the causes for delay. In event of force majeure i.e., delay on account of circumstance beyond the control of student, the university may grant an extension in the period of award of PhD degree in accordance with the duration limiting factor(s) and shall also take corrective measures in case the delay is caused due to process or administrative reasons.'*

Emphasis added; original footnote retained.

¹ The students enrolled before the enactment of this policy shall also be dealt following the procedure outlined in this document.

8. A plain reading of clause 3.12(iv) reveals that it provides a specific mechanism for considering cases where a PhD scholar is unable to complete the degree within the prescribed timeframe and seeks an extension. Significantly, the footnote appended to clause 3.12 expressly provides that students enrolled before the enactment of the Policy of 2023 shall also be dealt with in accordance with the procedure prescribed therein. The applicability of this procedural framework is, therefore, not restricted to students enrolled after the introduction of the Policy of 2023; rather, it expressly extends to those already enrolled, including the petitioner. Consequently, the petitioner's request for extension was required to be considered by the competent authority of the IIUI in accordance with the mechanism contemplated by clause 3.12(iv), instead of being declined solely on the ground that the ordinary period prescribed under the University's internal Rules had expired.

9. It follows from the foregoing that the question before the High Court was not merely whether the petitioner could seek enforcement of the University's internal academic Rules. The more fundamental question was whether the IIUI, notwithstanding its academic and administrative autonomy, could treat the expiry of the ordinary eight-year period as conclusive of the matter without examining the petitioner's request under the exceptional mechanism contemplated by clause 3.12(iv) of the Policy of 2023. The principle of academic autonomy does not preclude such an inquiry. Rather, it preserves the authority of the University to determine, on the merits, whether the circumstances relied upon by a scholar justify an extension, while requiring that such discretion be exercised within the regulatory framework governing it. The respective roles are thus distinct but complementary: as earlier said, the HEC prescribes the applicable framework and standards in exercise of its statutory mandate, whereas the competent University authority applies that framework to the individual case. Similarly, the Court neither undertakes that academic determination itself nor substitutes its assessment for that of the University; its concern, in judicial review,

is whether the competent authority has exercised its discretion upon the considerations which the applicable regulatory framework requires it to take into account.

10. This distinction finds direct illustration in Munibah Qureshi v. National University of Sciences and Technology (NUST) through Rector/Chairman Executive Committee (2026 MLD 1086), where a substantially similar question came before the same High Court. The petitioner therein, enrolled in the PhD programme of National University of Sciences and Technology (NUST) in March 2016, was unable to complete her degree within the prescribed timeframe and was consequently withdrawn from the programme as time-barred. Her requests for extension having been declined, she invoked the constitutional jurisdiction of the High Court, *inter alia*, on the ground that the University had failed to consider the circumstances responsible for the delay in terms of the HEC's Policy of 2023. The High Court found that her request had not been considered within the relevant legal and policy framework governing extension in cases of *force majeure* or delay attributable to process or administrative reasons. It further observed that the University ought to have considered whether the circumstances relied upon by her, including her health-related difficulties, warranted relaxation of the prescribed academic timeframe. Significantly, however, the High Court did not itself grant the extension. Consistent with the academic autonomy of the University, it left that determination to the competent authority of NUST, but required the discretion to be exercised within the framework of the applicable HEC Policy. The approach adopted in *Munibah Qureshi*, therefore, illustrates the very balance discussed above: judicial review ensures that the relevant regulatory framework is applied, while the substantive academic determination remains with the University. The relevant observations of the High Court are reproduced below:

'10. In order to adjudicate the first question, it is essential to examine the legal framework governing the extension of academic deadlines for PhD program. In the present matter,

*NUST's Act, 1997 and the HEC's Policy, 2023 are of particular relevance. **NUST performs its functions under the policy directives of the HEC, as mandated by section 10 of the HEC Ordinance, 2002, pursuant to which the HEC has promulgated the HEC's Policy, 2023.** Furthermore, the administrative, academic and financial affairs of NUST are regulated by the National University of Sciences and Technology (Enforcement of Academic, Service and Financial Matters) Statute, 2005 (as amended in 2013), which have been framed under section 21 of the NUST's Act, 1997. Accordingly, any determination regarding the extension of academic deadlines must be made within the parameters set by these statutory and policy instruments.*

Emphasis added.

With respect to the implementation of the HEC Policy, 2023, the High Court observed as under:

*'25. A collective reading of these articles, **the HEC Policy, 2023 and judicial precedents regarding interpretation of fundamental rights reflect that the NUST should have considered relaxation or accommodation in the academic deadline to the petitioner due to health-related issues including, by analogy, post-partum complications under principles of fairness, non-discrimination and equal opportunity.** The underlying rationale for this is to safeguard the health, well-being, and equal participation of women in academic pursuits. It has been held in *Sobia Nazir v. Province of the Punjab etc.*, (2022 LHC 2413) that Article 11 would be violated, if a woman is compelled to work during advanced stages of pregnancy or immediately after childbirth. Thus, this principle can be analogously extended to the academic sphere, affirming the necessity of accommodating women health issues, thereby ensuring substantive equality and the effective realization of women rights in educational settings. **Therefore, NUST cannot deny this right to the petitioner on the basis of discretion.** This would reflect the broader legal and constitutional commitment to gender equality and nondiscrimination in academic sittings.'*

Emphasis added.

11. The approach adopted in the present case, however, was materially different. The High Court did not first examine the true nature of the decision under challenge, the source and scope of the discretion exercised by the IIUI, or the regulatory framework within which that discretion was required to operate. Instead, it proceeded, *at the outset*, on the premise that *'the instant writ petition is not maintainable for the reasons that the proceedings and decisions*

of academic bodies like the BASR are primarily academic in nature, involving expert assessment of research work, compliance with institutional standards, and fulfillment of academic criteria. Such matters fall within the exclusive domain of the academic institution and are guided by internal regulations, which are non-statutory in nature, and do not have the force of law unless backed by a statutory mandate.' Proceeding on that premise, the High Court further observed that Courts ordinarily refrain from interfering in purely academic matters, particularly where the decision involves expert opinion and the application of academic standards. Relying, *inter alia*, upon *Khyber Medical University v. Aimal Khan* (**PLD 2022 SC 92**), it ultimately treated the impugned decision as a purely academic determination made under non-statutory rules and, on that basis, declined interference under Article 199 of the Constitution. With respect, this approach placed the conclusion before the inquiry: before invoking the principle of judicial restraint in academic matters, it was necessary first to ascertain whether the decision under challenge was, *in substance*, an exercise of academic judgment at all, or an exercise of administrative or regulatory discretion required to be exercised within the framework of the applicable HEC Policy.

12. There can be no quarrel with the proposition that constitutional Courts ordinarily exercise restraint in matters involving academic judgment. The principle, however, attaches to the nature of the decision, not merely to the character of the institution making it. A determination involving evaluation of a thesis or research work, assessment of academic merit, or application of standards requiring specialised academic expertise properly attracts judicial restraint. A decision concerning the exercise of administrative or regulatory discretion stands on a different footing, even though it may emanate from the same academic body. The former calls for deference to academic expertise; the latter remains open to judicial review as to the legality of the decision-making process, including whether the authority acted

within the limits of its power, observed the applicable legal and regulatory framework, and took into account the considerations relevant to the exercise of its discretion. Academic autonomy and judicial review are, therefore, not mutually exclusive: the former protects the substantive domain of academic judgment, while the latter ensures that public power, including that exercised by an academic institution, remains within the bounds prescribed by law. It is this distinction that must inform the examination of the petitioner's case.

13. Applying the above distinction to the present case, the petitioner did not invite the High Court to evaluate her thesis, assess its academic merit, or substitute its judgment for that of BASR on any matter requiring academic expertise. Her grievance arose at an anterior stage and was of a different character: she questioned the manner in which the IIUI had dealt with her request for extension of time to submit an already completed thesis. More particularly, her case was that the applicable HEC framework required the competent authority to examine the causes of delay, including circumstances beyond the student's control and any delay attributable to process or administrative reasons, before determining her request. The controversy, therefore, did not concern the merits of an academic judgment, but the legality of the process through which the discretion to grant or refuse an extension had been exercised. Whether such a decision attracts the same degree of judicial restraint as a purely academic determination must be examined in the light of the principles laid down by the Supreme Court, the then apex Court of Pakistan concerning the autonomy of educational institutions and the permissible limits of judicial review. We, therefore, turn to those authorities.

14. The limits of judicial restraint in this sphere, and particularly the point at which institutional autonomy yields to constitutional scrutiny, have long received authoritative consideration by the Supreme Court. The seminal pronouncement

is *University of Dacca through its Vice-Chancellor v. Zakir Ahmed* (PLD 1965 SC 90), where the Supreme Court examined the relationship between the autonomy of an educational institution and the supervisory jurisdiction of the constitutional Courts. That judgment laid the jurisprudential foundation for maintaining the necessary balance between judicial deference to matters properly falling within the domain of educational institutions and judicial intervention where the exercise of institutional authority transgresses its lawful limits. It is, therefore, appropriate to begin with the propositions enunciated in *University of Dacca* and thereafter trace their development through the subsequent pronouncements of the Supreme Court. The principles emerging from that judgment may conveniently be summarised as follows:

*‘We are not impressed by the argument that such interference by Courts of law with orders passed by educational institutions in the interest of maintenance of discipline would defeat the very purpose for which these institutions exist or that it would stultify the powers of the authorities in charge of educational institutions or prevent them from taking any action against students’ misconduct. **The Universities and educational institutions generally are armed with abundant powers of disciplinary action against the recalcitrant students and the Courts are, in no way, minded to deprive them of their powers** but all that they are entitled to insist upon in the interest of fairness is that **the minimum requirements of fairness must be observed by them before such action is taken, for, it is equally important to remember that unfair action may cause greater harm to the prestige of the heads of educational institutions who are expected to be in loco parentis to the students and may seriously undermine the authority which they claim to possess over the students placed in their charge.**’*

Emphasis added.

15. The principles enunciated in *University of Dacca* were not confined to the particular facts of that case. Rather, they have endured as a consistent strand in the jurisprudence of the Supreme Court and have been reaffirmed and applied, in varying factual settings, by successive Benches over the ensuing decades. The continuity of this judicial approach is evident from, *inter alia*, *Ahmad v. Vice-Chancellor, University of Engineering and Technology*

(**PLD 1981 SC 464**); *Tahir Saeed Qureshi v. the Board of Intermediate & Secondary Education, Sargodha* (**1996 SCMR 1872**); *Chairman, Joint Admission Committee, Khyber Medical College, Peshawar v. Raza Hassan* (**1999 SCMR 965**); *Board of Intermediate & Secondary Education v. Umar Asif Malik* (**1999 SCMR 1583**); *Prof. Noor Muhammad Khan Marwat v. Vice-Chancellor, Gomal University* (**PLD 2001 SC 219**); *Mian Muhammad Afzal v. Province of Punjab* (**2004 SCMR 1570**); *Muhammad Ilyas v. Bahauddin Zakariya University, Multan* (**2005 SCMR 961**); *Amir-Feroz Shamsi v. Institution of Business Administration* (**2006 SCMR 412**); *Syed Muhammad Arif v. University of Balochistan* (**PLD 2006 SC 564**); *Muhammad Ishfaq Ahmad Sial v. Bahauddin Zakariya University* (**2011 SCMR 1021**); *Secretary Economic Affairs Division, Islamabad v. Anwarul Haq Ahmed* (**2013 SCMR 1687**); *Government College University, Lahore through Vice-Chancellor v. Syeda Fiza Abbas* (**2015 SCMR 445**); *University of Health Science, Lahore v. Arslan Ali* (**2016 SCMR 134**); *Yasir Nawaz v. Higher Education Commission* (**PLD 2021 SC 745**); *Khyber Medical University v. Aimal Khan* (**PLD 2022 SC 92**); *Aina Haya v. Principal Peshawar Model Girls High School-I, Peshawar* (**2023 SCMR 198**) and *Vice-Chancellor Agriculture University, Peshawar v. Muhammad Shafiq* (**2024 SCMR 527**). These authorities, spanning several decades, demonstrate the continuing application of the principles first articulated in *University of Dacca*, while adapting them to the varied circumstances in which the autonomy of educational institutions and the supervisory jurisdiction of constitutional Courts intersect.

16. This settled line of authority received a more elaborate and contemporary exposition in *Hafsa Habib Qureshi and others v. Amir Hamza and others* (**PLD 2024 SC 780**). After surveying the development of the doctrine of judicial restraint in educational matters in the United States of America, England and India, the Supreme Court reaffirmed that, although Courts ordinarily accord due deference to the autonomy and expertise of educational institutions, such restraint does not constitute an absolute rule of

non-interference. Institutional autonomy operates within the limits prescribed by law, and judicial review remains available where an educational authority exceeds those limits or otherwise acts in a manner warranting constitutional scrutiny. The Court thus articulated the principle in the following terms:

*‘20. While there exists a general principle of judicial restraint, implying that courts should be cautious in intervening in the internal matters of educational institutions, it is not an absolute ban. **This restraint is exercised with prudence, and courts may step in when university authorities exceed the defined scope of their authority or act in violation of the statutes.** In such cases, the courts play a crucial role in upholding legal standards and ensuring that educational institutions operate within the bounds of the law. **The delicate balance between non-interference and necessary intervention is maintained to safeguard the integrity of academic institutions while also holding them accountable to legal frameworks.** However, in this case, the Peshawar High Court did not interfere in any affairs of the educational institution. Instead, it upheld the decision of the provincial government to retake the MDCAT, as the government is fully competent to conduct including the retake of the said test, in accordance with Section 17 of the Act.’*

Emphasis added.

17. We are in respectful agreement with the above exposition of law. Judicial restraint in educational matters does not confer immunity from judicial review upon every decision merely because it emanates from a university or an academic body. The degree of judicial deference depends upon the nature and subject-matter of the decision under challenge. Where a decision involves academic evaluation, specialised expertise, or the application of academic standards, Courts would ordinarily refrain from substituting their own judgment for that of the competent academic authority. Where, however, the challenge concerns the legality of the exercise of power, adherence to the governing legal or regulatory framework, jurisdiction, procedural fairness, or infringement of a legally protected right, institutional autonomy does not exclude constitutional scrutiny. Judicial restraint, therefore, preserves the legitimate domain of academic autonomy; it does not entail

abdication of the constitutional function of ensuring that public power is exercised lawfully and within its prescribed limits.

18. Having delineated the scope of judicial restraint in matters concerning educational institutions, we may now turn to the second consideration which materially influenced the High Court in declining interference, namely, the perceived non-statutory character of the University's Rules and Regulations. The impugned judgment proceeded on the basis that these were merely internal academic rules, lacking statutory force and, therefore, incapable of conferring an enforceable legal right. That conclusion, however, could not appropriately be reached without first examining the statutory framework governing the University and the source from which its Rules and Regulations derive their authority. This inquiry assumed added significance because the legal status of the IIUI and of the Rules and Regulations framed under its governing Ordinance had already received consideration by a Full Bench of the same High Court. It is, therefore, necessary to advert to that pronouncement before examining whether the premise adopted in the impugned judgment could be sustained.

19. In this regard, reference may appropriately be made to International Islamic University, Islamabad and others v. Dr. Shameem Tariq and others (2015 PLC (C.S.) 1336), decided on 09.07.2015, wherein a Full Bench of the same High Court examined the statutory scheme of the International Islamic University Ordinance, 1985 ('**Ordinance of 1985**'). Upon consideration of the constitution of the IIUI and its statutory authorities, as well as sections 28 to 30 of the Ordinance of 1985 governing the formulation of Statutes, Regulations and Rules, the Full Bench held that the University is a juristic person amenable to constitutional jurisdiction under Article 199 of the Constitution and that the Rules and Regulations formulated under the Ordinance are statutory in character. The pronouncement thus directly bears upon the premise adopted in the impugned judgment regarding the legal character of

the University's Rules and Regulations. The relevant observations of the Full Bench may, therefore, be reproduced for ready reference:

‘6. The [The International Islamic University Ordinance, 1985] Ordinance No. XXX of 1985 was promulgated by the President of the Islamic Republic of Pakistan who by virtue of section 9 of the Ordinance shall be the Chancellor of the university. The President of Pakistan in his capacity as a Chancellor has to appoint Pro Chancellor and Rector of the University under sections 11 and 12 of the Ordinance. Section 16 of the Ordinance provides the different authorities and foremost of the authorities concerning the International Islamic University Islamabad, is the board of trustees defined in section 70. The Chairman of the Board of Trustees is to be the chancellor who in his term under section 9 is to be the President of the Islamic Republic of Pakistan. Inter alia the Chief Justice of Pakistan; Chief Justice of Federal Shariat Court and Secretary Federal Ministry of Education are the members of Board of Trustees. Chapter V of the Ordinance No. XXX of 1985, sections 28 to 30 provides for the formulation of statutes, regulations and rules. **The bare perusal of these sections reveals that all the rules and regulations formulated under the Ordinance are statutory in nature and there can be no cavil to the proposition that the International Islamic University Islamabad is a juristic person for the purpose of Article 199 of the Constitution of Islamic Republic of Pakistan and it is having the statutory rules and regulations.**’

Emphasis is added.

20. Quite apart from the correctness of the view expressed in Dr. Shameem Tariq (supra), the fact that it was a pronouncement of a Full Bench of the same High Court brings into operation an important principle of judicial discipline. Certainty, consistency and predictability in the law require that a Bench ordinarily follow a principle of law settled by a co-equal or larger Bench of the same Court. If a subsequent Bench considers the earlier view to be incorrect, it may record its reasons for such disagreement, but judicial discipline does not permit it simply to disregard that view or substitute a contrary proposition of law. The appropriate course is to have the matter placed before the Chief Justice for constitution of a larger Bench competent to reconsider the earlier pronouncement. This principle was recognised by the Supreme Court in Province of East Pakistan and others v. Sirajul Haq Patwari and others (PLD 1966 SC 854). Unless and until the earlier view is

reconsidered by a Bench competent to depart from it, it remains binding upon Benches of lesser or co-equal strength within the same Court. This discipline is not merely procedural in character; it preserves institutional consistency, stability of the law and public confidence in the administration of justice.

21. The same principle of judicial discipline necessarily extends to the precedents of this Court itself. Indeed, it assumes particular institutional significance in view of Article 189 of the Constitution, which accords binding effect to a decision of this Court, to the extent that it decides a question of law or is based upon or enunciates a principle of law, upon all other Courts in Pakistan, including the Supreme Court. The constitutional authority thus attached to the law declared by this Court carries with it a corresponding institutional responsibility to maintain consistency and coherence in its own jurisprudence. A principle of law enunciated by an earlier Bench of this Court should, therefore, ordinarily be followed by a subsequent Bench of lesser or co-equal strength. They ought not to depart from, overrule or adopt a view inconsistent with an earlier pronouncement merely because they are persuaded that a different interpretation is preferable. Where the correctness of an earlier view is doubted, and its reconsideration is considered necessary, the proper course here too is to record the reasons for such doubt and request the Hon'ble Chief Justice of this Court to constitute a larger Bench for an authoritative reconsideration of the issue. This principle of institutional judicial discipline has consistently been recognised by the Supreme Court, *inter alia*, in *Ardeshir Cowasjee and others v. Karachi Building Control Authority (KMC), Karachi* (1999 SCMR 2883), *Ameer Zeb v. State* (PLD 2012 SC 380) and *Mst. Samrana Nawaz and others v. M.C.B. Bank Ltd. and others* (PLD 2021 SC 581). Adherence to this discipline is not merely a matter of judicial convention; it is indispensable to the institutional coherence of this Court and to the certainty, consistency and predictability of the law which it is constitutionally entrusted to declare.

22. Turning to the issue at hand, the observations of the Full Bench in Dr. Shameem Tariq (supra) must be examined in the context of the statutory framework governing the establishment and functioning of the IIUI. Sections 28, 29 and 30 of the Ordinance of 1985, expressly provide for the framing of Statutes, Regulations and Rules, respectively, to regulate the affairs of the University and the matters specified therein. The Ordinance also prescribes the authorities competent to frame and approve these instruments. The Statutes are proposed by the Board of Governors and approved by the Board of Trustees, whereas the Regulations and Rules are framed through the prescribed statutory mechanism involving the Board of Governors. Significantly, the Board of Trustees, constituted under Section 17 of the Ordinance of 1985, comprises eminent personalities from Pakistan and abroad, including representatives from various Muslim countries, as well as the Chief Justice of Pakistan and the Chief Justice of the Federal Shariat Court. Similarly, the Board of Governors, constituted under Section 19, consists of persons holding important academic, administrative and institutional positions. The composition of these statutory bodies, coupled with the express legislative authority conferred upon them, demonstrates that the framing of Statutes, Regulations and Rules is not merely an exercise of internal administrative discretion. Rather, these instruments, when duly framed and approved in accordance with the Ordinance, derive their authority from the parent legislation and cannot be equated with ordinary administrative guidelines or instructions issued by an institution for the management of its internal affairs. It is in this statutory context that the observations of the Full Bench regarding the legal character of the University's Rules and Regulations acquire significance.

23. The necessary consequence of the foregoing statutory scheme is that the University, while exercising its academic and administrative powers, remains bound by the Statutes, Regulations and Rules validly framed under the Ordinance of 1985. The mere fact that a matter concerns the internal administration or academic

affairs of the University does not, by itself, place the exercise of such powers beyond judicial scrutiny. Where the applicable Rules prescribe a particular procedure or timeframe for conducting a comprehensive examination, declaring its result or processing a research synopsis, compliance with those requirements assumes legal significance, particularly where an alleged failure on the part of the University contributes to a delay subsequently relied upon to deny a student an academic benefit. In such circumstances, the University's own compliance with the governing framework may legitimately require examination, and the resulting action or omission may, subject to the requirements of maintainability and the availability of an adequate and efficacious alternative remedy, be amenable to judicial review in constitutional jurisdiction. This, however, does not authorise constitutional Courts to assume the functions of academic authorities or substitute their own assessment in matters requiring specialised academic expertise. A distinction must be maintained between reviewing the legality of the exercise of statutory or regulatory powers and undertaking the academic assessment entrusted to the University. While the former falls within the recognised scope of judicial review, the latter ordinarily warrants judicial restraint. Thus, institutional autonomy and judicial review are not mutually exclusive; the University enjoys autonomy in the discharge of its academic functions, but that autonomy must be exercised within the limits prescribed by the law governing its establishment and functioning.

24. With the legal position thus clarified, we may now examine the petitioner's case on its merits. Her claim is not confined to the IIUI's Rules; she also relies upon clause 3.12 of the HEC Policy of 2023. This clause prescribes the duration for completion of a PhD programme and, more importantly for the present controversy, provides in sub-clause (iv) a mechanism for dealing with cases where a student is unable to secure the degree within the prescribed timeframe and seeks an extension. In such a case, the IIUI may constitute an appropriate authority to determine the causes of delay

and, where the delay is attributable to *force majeure*, described as circumstances beyond the student's control, may grant an extension subject to the applicable duration-limiting factors. The provision further requires corrective measures where the delay is attributable to process or administrative reasons. As earlier discussed, the Policy of 2023 is also applicable to the case of the petition by virtue the footnote appended to clause 3.12. However, this clause does not confer upon her an automatic right to extension; nor does the Policy require the IIUI to accept every explanation offered for delay. What it does require is consideration of the causes of delay by the appropriate authority and a determination whether the circumstances relied upon bring the case within the parameters prescribed by the said Policy. The distinction between the ordinary period for completion of a PhD and the exceptional mechanism contemplated after its expiry is important. The petitioner admittedly did not submit her thesis within the ordinary eight-year period, which, according to the University, expired on 31.08.2023. That circumstance undoubtedly necessitated an extension; it could not, however, by itself answer whether such an extension was permissible under clause 3.12(iv), for that is the very question which the mechanism provided therein requires the competent authority to determine.

25. The petitioner raised several circumstances relevant to that determination. She referred, *inter alia*, to the time consumed in the conduct of her comprehensive examination and declaration of its result beyond the prescribed timeframe, as well as in the subsequent processing and approval of her synopsis. She further relied upon the difficulties encountered after her marriage and consequent relocation, in August 2019, to Adam Zai, District Lakki Marwat, where her husband, a doctor, was posted as a Medical Officer; the limited availability of electricity and internet facilities in that area; her responsibilities relating to the care and upbringing of two children; and the disruption caused by the COVID-19 pandemic and the restrictions imposed during that period. These

circumstances required consideration in their proper social context. Marriage, consequent relocation and responsibilities associated with childbirth and childcare may, in the case of a woman pursuing higher education, have a material bearing upon the continuity of her academic work. Such circumstances should not be viewed in isolation or dismissed merely as matters of personal choice where their cumulative effect may have placed genuine constraints upon her ability to pursue research within the prescribed timeframe. This is particularly more relevant where the applicable Policy itself requires consideration of circumstances beyond the student's control. At the same time, these factors do not, either individually or collectively, confer an automatic entitlement to extension. However, the competent authority must sympathetically assess their nature, duration and actual effect, together with the delay attributable, if any, to the University's own academic or administrative processes, and determine on the basis of the relevant record whether and to what extent they contributed to the petitioner's inability to complete the prescribed process within time.

26. The material placed before us, however, does not disclose that these circumstances received the consideration which they required. The regret letter dated 06.05.2025 proceeds essentially on the expiry of the prescribed period and does not reflect any meaningful assessment of the cumulative effect of the circumstances relied upon by the petitioner. Nor does it disclose any determination as to whether, individually or cumulatively, these circumstances fell within the scope of clause 3.12(iv) of the Policy of 2023. In these circumstances, we are unable to hold that the discretion contemplated by the said provision was exercised upon a proper consideration of the relevant factors. Even otherwise, the petitioner was not seeking an indefinite extension within which to commence or complete her research. In her representation, she asserted that her thesis had already been completed and that a copy thereof, along with the plagiarism report and her supervisor's completion letter, had been submitted with the request. Whether the

thesis and the accompanying material satisfy the applicable academic and regulatory requirements is, of course, a matter for the competent authorities of the University. Their asserted existence was nevertheless relevant to the consideration of the request, as the extension sought was for submission and further processing of a thesis which, according to the petitioner, already stood completed.

27. The High Court itself noticed the petitioner's reliance upon clause 3.12(iv) and her contention that the provision contemplated consideration of circumstances beyond the student's control as well as delay attributable to process or administrative reasons. The petition was, nevertheless, dismissed principally on the footing that the controversy involved an academic decision governed by non-statutory Rules. With respect, this approach left the petitioner's principal grievance unanswered: whether her request for an exceptional extension had been considered in accordance with the framework specifically governing such a request. Requiring the competent authority to undertake that exercise neither entails an assessment by the Court of the academic merit of the petitioner's thesis nor amounts to substitution of judicial opinion for academic judgment. It merely requires the authority entrusted with the discretion to exercise it within the framework applicable to it.

28. There is also a constitutional dimension which reinforces the need for a sensitive approach in matters of this nature. Article 25 of the Constitution guarantees equality before law and equal protection of law and, while prohibiting discrimination on the basis of sex, expressly permits special provision for the protection of women and children. This constitutional commitment recognises that equality does not invariably require identical treatment and that, where circumstances so warrant, due regard may legitimately be had to disadvantages or responsibilities particularly affecting women. Thus, in pursuing higher education, a woman may, at different stages, have to reconcile her academic progression with circumstances arising from marriage, relocation consequent upon matrimonial obligations, pregnancy or health-

related concerns, and the responsibilities of motherhood and childcare. Where such circumstances materially impede the continuity of her education, they deserve due consideration within the flexibility otherwise available under the applicable legal or policy framework. The reasonable accommodation in such cases is not a departure from the principle of equality; rather, it may serve to remove disadvantages which, if left unaddressed, could impede the educational advancement of women and, in turn, their effective representation in professional and public spheres. This consideration assumes greater significance where the accommodation sought is permissible under the governing framework and does not adversely affect any accrued or competing right of a third party. Such an approach gives practical effect to the constitutional objective of ensuring the full participation of women in all spheres of national life, as envisaged by Article 34 of the Constitution.

29. For the foregoing reasons, we are of the view that the petitioner's request for extension was not considered in the manner contemplated by the applicable legal and policy framework, particularly clause 3.12(iv) of the Policy of 2023. The matter, therefore, requires fresh consideration by the competent authority of the IIUI. In undertaking that exercise, the authority shall examine, on the basis of the relevant record, the causes of delay relied upon by the petitioner and determine whether, and to what extent, they fall within the circumstances contemplated by the said provision, keeping in view the observations made hereinabove. The petitioner shall be afforded a reasonable opportunity of hearing and may place before the competent authority such material as is relevant to the grounds already raised by her. The competent authority shall determine the matter independently, by passing a reasoned order, strictly in accordance with the applicable law and policy and in the light of the observations made hereinabove, preferably within thirty (30) days of receipt of a certified copy of this

judgment. The decision so taken shall be communicated to this Court through the Registrar.

30. Consequently, leave to appeal is granted and the petition is converted into an appeal, which is allowed. The impugned judgment dated 26.05.2025 of the High Court is set aside. As a natural corollary, the regret letter dated 06.05.2025 issued by IIUI, whereby the petitioner’s request for extension was declined, is also set aside. The writ petition filed by the petitioner before the High Court shall, accordingly, stand disposed of in the terms indicated hereinabove. There shall be no order as to costs.

Judge

Judge

Islamabad, the
1st October, 2026
APPROVED FOR REPORTING
*M Farhan/**