

In the Federal Constitutional Court of Pakistan
(Appellate Jurisdiction)

Present:

Justice Aamer Farooq
Justice Muhammad Karim Khan Agha
Justice Syed Arshad Hussain Shah

C.P.L.A. No. 1836-L of 2019

(On appeal from judgment of the Lahore High Court,
Lahore dated 25.02.2019 passed in ICA No. 467 of 2016)

Altaf Hussain

Petitioner

Versus

The University of the Punjab through its Vice Chancellor and others

Respondents

For the petitioner: Mr. Sheraz Zaka, ASC a/w
Petitioner in person.

For respondent No. 1: Mr. Saad Rasool, ASC

Respondents No. 2-3: N.R.

Date of hearing: 19.08.2026

Judgment

Syed Arshad Hussain Shah, J.—Through the instant petition, the petitioner seeks leave to appeal against the judgment dated 25.02.2019, passed by the Lahore High Court, Lahore, in ICA No.467 of 2016, whereby the ICA preferred by the University of the Punjab (hereinafter referred to as “the University”) was allowed and the judgment dated 04.03.2016, rendered by the learned Single Judge in Writ Petition No.2166 of 2012, was set aside.

2. Learned counsel for the petitioner, with considerable vehemence, contended that the impugned judgment of the learned High Court suffers from material misreading and non-reading of the record as well as the relevant provisions of law. According to learned counsel, the learned High Court fell into an error of law in holding or otherwise observing, that the University possessed a concurrent jurisdiction to

determine the equivalence of the petitioner's qualification and to issue an equivalence certificate, notwithstanding the fact that the Higher Education Commission ("the Commission"), being the competent statutory authority, had already examined the petitioner's qualification and issued the requisite equivalence certificate. Learned counsel maintained that, once the question of equivalence had been authoritatively determined by the competent statutory forum, the University could neither disregard such determination nor sit in appeal over it by independently reassessing the equivalence of the petitioner's qualification. It was further contended that, while adjudicating upon the ICA, the learned High Court failed to give due consideration to the constitutional mandate embodied in Article 37(c) of the Constitution, which, inter alia, obligates the State to make technical and professional education generally available and higher education equally accessible to all on the basis of merit. It was, therefore, urged that the impugned judgment, being inconsistent with the constitutional obligation as well as the governing statutory framework, cannot be legally sustained. He also referred to Article 143 of the Constitution and submitted that, in the event of a conflict between a federal and a provincial statute, the federal statute would prevail. Accordingly, he submitted that the equivalence certificate issued by the Commission would have overriding effect over any equivalence determination made by the University.

3. Learned counsel further submitted that, pursuant to the advertisement issued by the University inviting applications for admission to its M.Phil Programme, the petitioner applied for admission and fulfilled the requirements prescribed therein. He appeared in the GAT-General examination and successfully passed the same. Thereafter, he participated in the admission process conducted by the University and was declared

successful in the admission test. It was further submitted that, subsequently, the Commission, being the competent statutory authority, issued an equivalence certificate in respect of the petitioner's qualification. According to learned counsel, once the petitioner's qualification had been examined, recognized and declared equivalent by the competent authority, the University had no lawful justification for refusing his admission to the M.Phil Programme merely on the ground that the qualification carried fewer credit hours than prescribed. Learned counsel emphasized that the petitioner had acquired a legitimate entitlement to have his candidature considered in accordance with the applicable rules and the conditions contained in the University's advertisement, particularly after successfully passing the prescribed test and obtaining an equivalence certificate from the competent statutory authority. It was accordingly argued that the petitioner had been unlawfully deprived of fair and equal consideration for admission to the M.Phil Programme despite having fulfilled the requirements prescribed by the University. On these premises, learned counsel maintained that the impugned judgment was liable to be set aside, being the consequence of misreading and non-reading of material, erroneous interpretation and application of the applicable law, and failure to give due consideration to the constitutional and statutory framework governing access to higher education. He, therefore, prayed that the petitioner be extended the benefit of the equivalence certificate issued by the Commission and that the University be directed to consider his case for admission and, if otherwise eligible, admit him to the M.Phil Programme.

4. Conversely, learned counsel appearing on behalf of the University controverted the submissions advanced on behalf of the petitioner. He submitted that there was no cavil with the proposition that

the Higher Education Commission is vested with the statutory authority to determine the equivalence of academic qualifications and to issue equivalence certificates. However, according to learned counsel, such equivalence does not, by itself, confer an automatic, indefeasible or unconditional right on the holder of the qualification to seek or secure admission to any particular academic programme offered by the University. It was contended that, although the petitioner's qualification had been declared equivalent by the Commission for the purpose of recognition, the qualification did not satisfy the specific academic requirements and admission criteria independently prescribed by the University for admission to its M.Phil Programme, particularly the requirement relating to the prescribed number of credit hours. Learned counsel maintained that the grant of equivalence by the Commission and the determination of eligibility for admission to a particular academic programme by the University operate in distinct fields. An equivalence certificate, according to the submission, merely recognizes a qualification as comparable to a corresponding qualification for the purposes for which such recognition is legally relevant; it does not deprive the University of its academic and statutory autonomy to prescribe additional, programme-specific eligibility requirements including minimum credit hours, requisite coursework, research prerequisites, and other academic conditions considered necessary for admission to an M.Phil Programme. It was further submitted that the University, being an autonomous academic institution functioning within its statutory framework, is competent to prescribe, regulate, and enforce eligibility criteria for admission to its undergraduate, postgraduate and research programmes. The requirement relating to the prescribed number of credit hours, learned counsel argued, constitutes an academic criterion of general application, designed to ensure that candidates seeking admission to the M.Phil Programme

possess the requisite academic background and preparation commensurate with the demands of advanced postgraduate study and research. Learned counsel, therefore, contended that the equivalence certificate issued by the Commission could not be construed as overriding, superseding, or nullifying the University's independently prescribed admission requirements. The University was consequently justified in examining whether the petitioner, notwithstanding the equivalence certificate, satisfied all programme-specific eligibility conditions and, upon finding that his qualification carried fewer credit hours than those prescribed for admission, in declining to admit him. It was submitted that the decision neither amounted to a repudiation of the Commission's statutory authority nor constituted an unlawful refusal of admission; but rather represented a legitimate exercise of the University's academic and regulatory jurisdiction in accordance with its duly prescribed admission criteria.

5. We have heard the learned counsel for the parties at considerable length and, with their able assistance, have examined the record, the material placed on record and the relevant provisions of law governing the controversy. The controversy, in essence, concerns the petitioner's claim for admission to the M.Phil Programme offered by the University. Pursuant to the advertisement issued by the University inviting applications for admission to the M.Phil. programme, the petitioner, being duly qualified on the basis of an MBA degree conferred upon him by Allama Iqbal Open University (AIOU), applied for admission to the said programme. However, the Petitioner's application was declined by the University on the ground that the MBA degree obtained by the Petitioner comprised of 20 courses carrying a total of 60 credit hours, whereas, according to the University, its own MBA programme comprised of 25

courses carrying 75 credit hours. The resolution of the controversy, however, necessitates an examination of the respective legal and academic spheres of the Commission and the University, particularly with regard to the effect and legal significance of the equivalence certificate issued by the Commission vis-à-vis the admission criteria independently prescribed by the University. The principal question for determination is, therefore, whether, notwithstanding the equivalence certificate issued by the competent authority, the University was legally competent to decline to admit the petitioner admission to the M.Phil Programme on the ground that his qualifying degree did not satisfy the minimum credit-hour requirement prescribed by the University under its admission criteria.

6. The record demonstrates that the Higher Education Commission is empowered to determine the equivalence of degrees obtained from national and international institutions for the purpose of determining their corresponding academic level. Such determination, however, cannot be read in isolation from the statutory and academic autonomy vested in the university with respect to the formulation and implementation of its own admission policies. The University's statutory framework confers upon the competent academic bodies, the authority to frame admission rules, regulations and eligibility criteria for its various programmes. Consequently, the issuance of an equivalence certificate by the Commission does not, *ipso facto*, extinguish or override the University's independent authority to prescribe reasonable and uniformly applicable academic prerequisites for admission to a particular programme. Moreover, nothing in the Commission's Ordinance confers upon the Commission any authority to curtail, supersede, or otherwise override the University's independent power to prescribe such academic prerequisites. An equivalence certificate establishes the recognized

academic standing or comparability of a qualification; it does not necessarily amount to a declaration that the holder of that qualification satisfies every course's specific requirement imposed by an autonomous university. Equivalence and eligibility are, therefore, conceptually and legally distinguishable: the former concerns recognition and comparability of a qualification, whereas the latter concerns the fulfilment of the particular academic prerequisites prescribed for entry into a specific programme. In this regard, the University's requirement concerning minimum-credit hour requirement constitutes an academic criterion applicable to candidates seeking admission to the relevant programme. Such a requirement cannot, in the absence of a finding that it is arbitrary, discriminatory, mala fide, unreasonable or contrary to law, be treated as having been displaced merely because the candidate possesses an equivalence certificate issued by the Commission.

7. The principle of institutional autonomy assumes particular significance in matters pertaining to academic standards, admission policies and the internal administration of universities. Courts and external regulatory authorities ordinarily refrain from substituting their own assessment for that of duly constituted academic bodies unless the decision under challenge is shown to suffer from arbitrariness, mala fides, discrimination, jurisdictional transgression or violation of law. The material placed before us does not establish that the University, in prescribing the minimum credit-hour requirement, acted beyond the authority vested in it by its statutory framework. Nor has it been demonstrated that the said requirement was devised specifically to exclude the petitioner or was otherwise discriminatory, arbitrary or constitutionally infirm. The mere fact that the Commission recognized the petitioner's qualification as equivalent cannot, therefore, be construed as

conferring upon the petitioner an unfettered right to admission to a programme for which the University had prescribed additional academic requirements. The equivalence certificate itself contained the following clarification:-

“Please note that granting admission for higher education and determination of suitability in relation to job requirement rests with the admitting university and the employing agencies respectively and this commission has no role in such matters.”

The principle that the academic, administrative and disciplinary autonomy of universities ought ordinarily to be respected by courts and regulators. In this regard, reference is made to the case reported as Muhammad Mumtaz Khan versus Siraj Bibi (2024 SCMR 956), in which it was held that *‘in the affairs of admission and examination in the educational institutions, the concerned authorities are vested with the powers and jurisdiction to lay down the eligibility criteria in their own rules, regulations, or prospectus. They are independent to follow their own policy for admission, and in other affairs, therefore, the academic, administrative, and disciplinary autonomy of a university must be respected. The interference by the courts in the admission policy would give rise to glitches for the said institutions to administer the matters harmoniously and efficiently. The educational institutions are competent to manage their own affairs without any outside intervention from executive or judicial organs unless they contravene or disregard the compass of their authority or act in breach of applicable statutes or admission policies as laid down in the prospectus. There is no ambiguity in the eligibility criteria mentioned in the prospectus; hence, it was not open to any other interpretation.’* Similarly, in Khyber Medical University versus Ajmal Khan (PLD 2022 S.C. 92), it was held that *‘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’. So far contention of the learned counsel for the petitioner regarding conflict of federal and provincial statute is concerned, suffice it to observe that we find no such conflict in the present case.

8. Examined in the above perspective, the grievance of the petitioner does not disclose any jurisdictional error or other legal infirmity warranting interference with the judgment of the learned High Court. The learned High Court, while allowing the University’s ICA, was justified in recognizing the distinction between the Commission’s authority to determine equivalence and the University’s independent authority to prescribe and enforce eligibility requirements for admission to its academic programmes. The equivalence certificate issued by the Commission undoubtedly carries legal significance within the sphere for which it was issued; however, it cannot be construed as an overriding mandate requiring the University to dispense with its own validly prescribed academic prerequisites. An equivalent qualification may establish the candidate’s eligibility for consideration, but it does not, by itself, create an absolute or vested right to admission where the candidate fails to satisfy an independent and uniformly applicable academic requirement of the

programme in question. The petitioner has failed to demonstrate that the University's requirement relating to credit hours was unlawful, discriminatory, arbitrary or otherwise inconsistent with the university's statutory framework. In the absence of such a showing, interference by this Court would amount to an impermissible substitution of judicial opinion for that of the competent academic authority.

9. In our considered view, the impugned judgment of the learned High Court is well-reasoned, comprehensive and legally sustainable. Upon a careful appraisal of the record and the reasons recorded therein, we find that the learned High Court properly appreciated the material facts on record and correctly applied the governing principles of law. No misreading or non-reading of any material evidence on record has been demonstrated before us. Likewise, no perversity, jurisdictional defect, arbitrariness or other legal infirmity has been pointed out which could furnish a lawful basis for interference in exercise of appellate jurisdiction. The findings recorded by the learned High Court are founded upon a proper appreciation of the material available on record and are neither arbitrary nor contrary to law. The petitioner has, therefore, failed to make out any case warranting grant of leave to appeal.

10. Consequently, this petition, being devoid of merit, is dismissed. Leave to appeal is declined.

Judge

Judge

Judge

Islamabad

19th August, 2026

Approved for reporting

Riaz

