

**SHAHEED BENAZIR BHUTTO UNIVERSITY
SHERINGAL, DIR UPPER (KP)**



**MINUTES
OF
THE 38TH MEETING OF SYNDICATE**

HELD IN THE COMMITTEE ROOM OF THE UNIVERSITY

DATED: 28.09.2023 (10.00 AM)

SHAHEED BENAZIR BHUTTO UNIVERSITY
Sheringal, Dir Upper, Khyber Pakhtunkhwa, Pakistan

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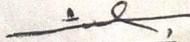
MINUTES OF THE 38TH MEETING OF SYNDICATE

The 38th meeting of the Syndicate of the University was held in the Committee Room of the University on 28.09.2023 at 10.00 am. The following attended the meeting;

01. Prof. Dr. Muhammad Shahab (Vice Chancellor) in Chair
02. Justice (R) Miftahuddin (Nominee of Chief Justice Peshawar High Court).
03. Barrister Dr. Adnan Khan, Chancellor's Nominee through video Link /Online
04. Prof. Dr. Mohsin Khan, Former Director IM Science Peshawar (HEC Nominee) through Video Link /Online
05. Muhammad Ayaz Khan Addl. Secretary Establishment Department Government of Khyber Pakhtunkhwa
06. Mr. Fayaz Khan, Deputy Secretary Higher Education Department, Government of Khyber Pakhtunkhwa
07. Ms Aneela Fahim, Deputy Secretary Finance Department, Government of Khyber Pakhtunkhwa, through Video Link /Online
08. Prof. Mr. Rashid Ahmad Principal GDC Dir, District Upper Dir
09. Ms Aisha Muhammad Principal GGDC Dir, District Upper Dir
10. Dr. Abdul Khaliq Jan, Director ORIC SBBU, Sheringal
11. Dr. Shafiq Ur Rahman, Chairman, Department of Pharmacy, SBBU, Sheringal
12. Dr. Shujaat Ahmad, Associate Professor SBBU, Sheringal
13. Dr. Muhammad Alam Zeb, Director QEC SBBU, Sheringal
14. Mr. Murad Hussain, Assistant Professor SBBU, Sheringal
15. Mr. Sahib Rahman, Treasurer SBBU, Sheringal
16. Mr. Mahmood Khan, Registrar SBBU, Sheringal

The meeting started formally with the recitation of few verses from the Holy Quran by Dr. Shafiq Ur Rahman. The Vice-Chancellor welcomed the participants and thanked them for their timely participation in the meeting. He then asked the Registrar to present the agenda before the

Registrar 

Vice Chancellor 

House. The Registrar accordingly, presented the agenda, item wise. The House made detailed discussion on each agenda item and recorded its decisions.

01. CONFIRMATION OF MINUTES/IMPLEMENTATION STATUS OF THE DECISIONS OF THE 37th SYNDICATE MEETING

Decision:

The Syndicate endorsed the minutes and the implementation status of the 37th meeting of the Syndicate with the following remarks:

Agenda item No. 3:

- i. The constitution of the investment committee as decided by the Syndicate may be expedited.

Agenda item No. 4 (iv):

- i. The need analysis committee for the need assessment should be constituted as per provision in the Statutes of the University.

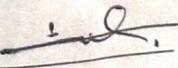
02. APPROVAL OF THE RECOMMENDATIONS OF THE 11TH SELECTION BOARD

A,B&C: APPOINTMENT OF LECTURERS (BPS-18)/ASSISTANT PROFESSORS (BPS/TTS)/ ASSOCIATE PROFESSORS (BPS-20)

Decision:

The recommendations of the Selection Board were presented before the House in detail. The House thoroughly checked all of the appointment process as per chapter 4 of the SBBU Statutes, 2022, as applicable w. e. f 09.05.2022. It was noticed by the House that some of the process in these cases was made in accordance with the Model Statutes while the rest of the process has been made in accordance with the University Statutes, 2022. The House specifically noted that the scrutiny and quantification of the candidates has been carried out through committees which are not in accordance with the Statutes in vogue at the time. Such irregularities may be questioned at any time in future, in court of law or any other forum, by any of the candidates etc. which will not be defensible. In this regard the courts have clear directions and it is a settled

Registrar 

Vice Chancellor 

law that the rules/statutes in vogue at the time of appointment must be applicable. The House decided by a majority of vote that the University Administration shall review the scrutiny and quantification of the candidates through the relevant committees, to be constituted strictly in accordance with the Statutes in vogue, with intimation to the Selection Board. The House further authorized the Vice Chancellor to make nomination in these committees, on behalf of the Syndicate. Once the process of scrutiny and quantification is completed through the properly reconstituted committees, if no variation/impact is observed in the scrutiny/quantification of the candidates already carried out, the Selection Board shall formally recommend the same to the Syndicate without interviewing the candidates concerned. However, if any variation/impact is found as rectified by the properly reconstituted committees, the process of interview by the Selection Board shall be carried out for the relevant candidate (s).

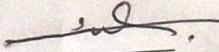
The existing recommendations of the Selection Board are as such deferred in the above terms, due to procedural issues pointed out above in the Pre-Selection Board process, carried out by the committees constituted contrary to the University Statutes, 2022. ✓

D EARLY PROMOTION OF TTS FACULTY AS ASSOCIATE PROFESSOR (TENURED), AS PER HEC POLICY

Decision:

The promotion (early) cases of the two TTS faculty members, as per HEC Policy, one each in Biotechnology and Environmental Sciences, as recommended by the 11th Selection Board were presented by the Registrar before the House, along with relevant record. Detailed discussion, with respect to availability of sanctioned posts of associate professor for promotion or carrying forward of the existing posts of Assistant Professor, held by the incumbents, to Associate Professor for the purpose of promotion, was made among the members. Some of the members were of the opinion that sanctioned

Registrar 

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and budgeted post is required for promotion of TTS faculty while others were of the opinion that the existing post of Assistant Professor will be carried forward by the incumbents along with them, while promoting to the position of Associate Professor and no new sanction/creation of the post is required. The Chair pointed out that the issue was put to clarification in the SBBU 15th F&PC, where it was recommended that the TTS faculty position will be upgraded/carry forwarded. The Syndicate subsequently endorsed the decision of the F&PC in its 33rd meeting. Further, based on the view that no new creation of post is required and the existing post shall be upgraded/carry forwarded as per practice in the sister universities, the House approved the early promotion of the following TTS faculty members as Associate Professors (Tenured) on TTS, as per HEC Policy, in the subjects/departments and w. e. f dates mentioned against each. The House further decided that the issue of financial liability for the previous period will be taken up with the HEC and if the same is born by the HEC then the arrears will be paid accordingly otherwise the University will consider the case as per funds/resources availability.

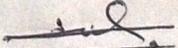
S#	Name of Faculty	Department/ Subject	Date of Promotion as per HEC Policy
01	Dr. Muhammad Asif Nawaz	Biotechnology	12.08.2021
02	Dr. Allah Ditta	Environmental Sciences	05.12.2021

Mr. Sahib Rahman, Treasurer of the University, dissented with the decision of the Syndicate on the ground that specific creation of the position of Associate Professor is required for promotion of Assistant Professors of TTS and the University should take guidance on the issue, from the HEC. His dissenting note is attached.

03. CONSTITUTION OF THE SELECTION COMMITTEE FOR THE CONTRACT APPOINTMENT

Decision:

Registrar 

Vice Chancellor 

The Syndicate nominated Mr. Murad Hussain, Assistant Professor of Management Sciences/member Syndicate in place of Dr. Juma Muhammad, Assistant Professor/ex-member Syndicate in the already constituted Contract Selection Committee in the 23rd meeting of the Syndicate. Resultantly, the composition of the subject Committee meets the requirement as provided in Section 11-5 (e) of the University Act, 2012.

- i. Senior most Dean Convener
(the Vice Chancellor shall nominate a senior faculty member/officer till appointment of dean)
- ii. Mr. Murad Hussain* (Nominee of Syndicate) Member
- iii. Concerned chairperson/HoD Member
- iv. Registrar or his nominee Secretary/Member
- v. Subject Expert, to be nominated by the Vice Chancellor in cases of hiring of teaching staff.

*the tenure of nominee of the Syndicate will be 2 years

04. APPOINTMENT OF CHAIRPERSON IN DIFFERENT DEPARTMENTS

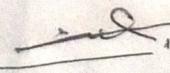
Decision:

While discussing the subject issue the faculty members, tabulated below, whose names were under consideration for the subject appointments, left the forum with the permission of the Chair, to show their impartiality. The House after detailed discussion, decided as under:

S#	Name of Department	Names of Eligible Faculty Members	Designation.	Present Tenure Expiring on	Remarks
01	Pharmacy	Dr. Shafiq ur Rehman	Associate Professor	01.10.2023	-
		Dr. Shujaat Ahmad	Do	Nil	He is appointed as Chairperson for three years.
02	Chemistry	Dr. Abdul Khaliq Jan	Do	01.10.2023	He is appointed as Chairperson till further orders

05. RECOMMENDATIONS OF THE SYNDICATE SUB-COMMITTEE REGARDING REGULARIZATION OF THE SECURITY GUARDS.

Registrar 

Vice Chancellor 

Syndicate Decision:

The House endorsed the recommendations of the Committee constituted by the Syndicate in its 34th meeting to the effect that the posts of the Security Guards have been abolished by the Syndicate in its 16th meeting on the recommendations of the 11th meeting of the F&PC and have been converted to contingent paid staff. Besides unavailability of sanctioned positions, the House further clarified that there is no provision of age relaxation in the University Statutes so the University may re-advertise these positions as per its need and funds availability in accordance with the Act/Statutes.

Supplementary Agenda

01. REQUEST FOR RECONSIDERATION OF THE APPOINTMENT ORDER IN THE LIGHT OF 31ST MEETING OF THE SYNDICATE.

Syndicate Decision:

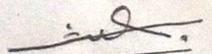
The representation of Mr. Inam Ullah, Ex-Lecturer in Political Science, was presented by the Secretary before the House along with allied details. The minutes of the Sub-Committee, constituted by the Syndicate in its 34th meeting, were also deliberated upon in the Meeting. The House after meticulous consideration of all the relevant facts, endorsed the following conclusion of the Committee:

“After perusal of the relevant facts and record pertaining to the subject case, it was concluded by the Committee that this is a well settled case by the Syndicate in its 27th meeting, in pursuance of the August Supreme Court decision dated 29.10.2020. The petitioner’s claim regarding eligibility criteria was placed before the Syndicate in 27th meeting dated 24.01.2021 and the Syndicate placing reliance on recommendations of the Scrutiny Committee and Syndicate Special Committee, decided that petitioner does not fulfill the requisite criteria for the post held by him and consequently relieved him from his post of lecturer. This decision of the Syndicate was challenged by the petitioner before Peshawar High

Registrar



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Court Dar ul Qaza Swat in writ petition No 654M of 2021, wherein the petition was turned down by the Hon'ble Court in para 14 of its judgment dated 27.04.2022, and likewise in para 15 of the same judgment the High Court has categorically held that appointing authority can change and enhance the criteria at any time before the appointment is made. The writ petition No. 654M of 2021 filed by the petitioner has been dismissed by the Court on 27.04.2022 which has attained finality therefore, this Committee cannot overthrow the Court decision."

In consideration of the above, the House approved the recommendation of the Committee that having no legal/justified grounds for the reconsideration of the appointment order which was issued in 2013, the case cannot be reopened on the grounds for which the same has already been settled by the Syndicate and subsequently upheld by the Hon'ble Peshawar High Court Dar ul Qaza Swat. The House further added that the decision of the 31st Syndicate, on the basis of which the applicant has requested relief, was applicable to the employees who were in contract service of the University as on 16.10.2021, whereas, the applicant was relieved from the University ad hoc service w. e. f 28.01.2021.