

HIGH COURT OF AZAD JAMMU & KASHMIR

Writ Petition No. 201/2026.
Date of Institution 22.01.2026.
Date of decision 28.01.2026.

Inhabitants of District Haveli Kahutta through;

1. Ch. Tayyab Tahir s/o Faqar Din;
2. Raja Zahid Janjua s/o Raja Shahid Iqbal Janjua;
3. Mohammad Naseer ud Din s/o Mohammad Hussain;
4. Aqib Javed s/o Ch. Mohammad Javed;
5. Wasif Ahmed Chohan s/o Ch. Mohammad Rafique;
6. Anees Ahmed s/o Fayyaz Ahmed;
7. Sajid Munir s/o Munir Hussain;
8. Sheraz Hussain s/o Mohammad Sagheer;
9. Atif Ali s/o Alim Din;
10. Abid Hussain s/o Ghulam Hussain;
11. Ali Hussain s/o Shabir Hussain;
12. Rizwan Aslam s/o Mohammad Aslam;
13. Danish Rafique Kayani s/o Mohammad Rafique Kayani;
14. Mudassar Safeer s/o Mohammad Safeer;
15. Dawood Arif s/o Mohammad Arif Asif;
16. Khalid Mehmood s/o Atta Mohammad;
17. Mohammad Yaseen s/o Mir Mohammad;
18. Sayab Sharif s/o Mohammad Sharif;
19. Mohsin Azam s/o Mohammad Azam;
20. Mohammad Kashif s/o Mohammad Shareef Chaudhary;
21. Ch. Mohammad Bashir s/o Lal Din;
22. Mustafa Maqbool Hussain s/o Ch. Maqbool Hussain;
23. Faisal Afraiz Khan s/o Mohammad Afraiz Khan;
24. Akbar Din s/o Salam Din;
25. Samia Yaseen d/o Mohammad Yaseen;
26. Fozia Akbar d/o Mohammad Akbar;
27. Hifsa Naseer d/o Mohammad Naseer ud Din, all residents of different Villages of District Haveli Kahutta, Azad Jammu & Kashmir.

Petitioners

VERSUS

1. Azad Government of the State of Jammu & Kashmir through Chief Secretary, having his office at Chatter Complex Muzaffarabad;
2. Department of Services and General Administration Department, Azad Government of the State of Jammu & Kashmir, through its Secretary, office situated at New Secretariat Muzaffarabad;

3. Finance Department, Azad Government of the State of Jammu & Kashmir through its Secretary, having office situated at New Secretariat Muzaffarabad;
4. Department of Higher Education Azad Government of the State of Jammu & Kashmir, through its Secretary, office situated at New Secretariat Muzaffarabad;
5. Secretary Higher Education Azad Government of the State of Jammu & Kashmir, office situated at New Secretariat Muzaffarabad;
6. Vice Chancellor, University of Haveli, District Haveli Kahutta, Azad Jammu & Kashmir;
7. Principal, Government Boys Degree College Kahutta, District Haveli Kahutta, Azad Jammu & Kashmir;
8. Principal Government Girls Degree College Kahutta, District Haveli Kahutta, Azad Jammu & Kashmir;
9. Prime Minister of Azad Jammu & Kashmir through Principal Secretary, office situated at New Secretariat Muzaffarabad;
10. Principal Government Pilot High School Kahutta District Haveli Kahutta, Azad Jammu & Kashmir;
11. Divisional Director Colleges Poonch Division Rawalakot, Azad Jammu & Kashmir.

Respondents

WRIT PETITION

Before:- Justice Syed Shahid Bahar, J.

PRESENT:

Fiaz Ahmed/Raja Zulqarnain Abid, Advocates for the Petitioners.
 Saqib Zaman Chughtai/Sardar Sohaib Tanvir Sadozai, Legal Advisors
 for Respondents No.4 & 5.
 Secretary Higher Education in person.

JUDGMENT:

Through this constitutional petition filed under Article 44 of the Azad Jammu & Kashmir Interim Constitution 1974, following relief has been solicited by the petitioners:-

- i. Issue a writ declaring the impugned notification dated 26.12.2025 as illegal, void ab initio and of no legal effect;
- ii. Direct the respondents to cancel the impugned notification and cease all process in furtherance thereof, including any shifting of buildings or institutions;

- iii. Restrain the respondents from interfering with the current arrangements, whereby University Classes are being conducted in the temporarily allotted building of Government Boys Degree College Kahutta and Government Pilot High School Kahutta and from allotting or shifting Government Girls Degree College Kahutta to any other location.”

2. The case of the petitioners is that recently a University namely “The University of Haveli” was approved for establishment in District Haveli Kahutta and the land was duly allotted for construction of its permanent building, however, buildings of Government Boys Degree College Kahutta and Government Pilot High School Kahutta were temporarily approved and allotted for conducting the University classes, hence, after approval and temporary allotment of the buildings, classes have been commenced and the institution began functioning smoothly but through notification dated 26.12.2025, the building of Government Girls Degree College Kahutta was also allotted to the University and the previously allotted buildings were re-allotted and this re-allocation as per stance of the petitioners, is illegal, arbitrary and against the established rules and procedures as it disrupts ongoing educational activities without any legal justification or exigency. It has been alleged that the students of Government Girls Degree College Kahutta protested against this illegal act of the respondents on multiple occasions, highlighting the absence of any emergent situation and this protests underscore the potential disturbance to the students’ education, privacy and overall well-being. It has further been alleged that issuance of the supra notification causes irreparable loss to the students, disrupting their

education and academic progress and the privacy and protection of the female students will be severely compromised due to the proposed shifting as the Girls Degree College's building is designed to cater to the specific needs of female education in a conservative societal context, hence, prayed for annulment of the notification dated 26.12.2025.

3. Heard, record perused. The petitioners by filing the instant writ petition are seeking annulment of the notification dated 26.12.2025. For convenience, the said notification is reproduced as under:-

آزاد حکومت ریاست جموں و کشمیر سیکرٹریٹ ہائر ایجوکیشن

منظف آباد

مورنہ 26 دسمبر/ 2025

نوٹیفکیشن

نمبر ایچ ای ڈی/ سوئم/ 3(223)/ 2025/ 21489-99، جناب صدر آزاد جموں و کشمیر نے آزاد جموں و کشمیر یونیورسٹی آف حویلی ایکٹ 2025 کے تحت قائم یونیورسٹی کی فوری ضرورت، ہائر ایجوکیشن کمیشن کے تقاضوں کی تکمیل اور متذکرہ یونیورسٹی کو فعال بنانے کی غرض سے بذیل امور کی منظوری صادر فرمائی ہے۔

i. گورنمنٹ گرلز ڈگری کالج کھوٹہ ضلع حویلی کے زیر تصرف رقبہ/ عمارت یونیورسٹی آف حویلی کو منتقل کی جاتی ہے۔

ii. یونیورسٹی آف حویلی کیمپس کے زیر تصرف پائلٹ ہائی سکول کھوٹہ کی عمارت (جس کی چار دیواری کے اندر 12 کمرہ جات و کیفیٹر یا، دو ہال و کچن ہیں اور واش روم بھی علیحدہ موجود ہیں) گرلز ڈگری کالج کھوٹہ کو منتقل کی جاتی ہے۔

iii. قدیم بوائز یونیورسٹی ہاسٹل جو یونیورسٹی آف حویلی نے خود تعمیر کیا ہے (جس میں 08 کمروں کے علاوہ 04 واش رومز اور ڈبل سٹوری بلڈنگ کے علاوہ 05 کمرہ جات جو یونیورسٹی آف حویلی کے پاس پہلے سے موجود ہیں) بدستور ایڈمن بلاک کے طور پر یونیورسٹی آف حویلی کے زیر استعمال رہے گا۔

سکلیشن آفیسر (سوئم)

4. Comments on behalf of respondents No.4 & 5 have also been filed, wherein, the claim of the petitioners has been repudiated and it has been stated that a permanent land for University of Haveli

has been awarded and in this regard PC-I has also been completed and construction work will be started within two months, hence, the said arrangement is not of permanent nature. Moreover, due to said temporary arrangement and shifting of the buildings neither the students will suffer an irreparable loss pertaining to their educational activities nor their privacy would be disturbed. It has further been alleged that for betterment of the higher education and keeping in view the necessities and needs of the inhabitants and public at large, the said University has been established by the Government. For convenience, relevant portion of the parawise comments is reproduced as under:-

8. یہ کہ یونیورسٹی آف حویلی کے لیے علیحدہ اور مستقل سرکاری اراضی باقاعدہ طور پر منحصر کی جا چکی ہے۔ یونیورسٹی کے قیام، عمارات تدریسی بلاکس اور دیگر سہولیات کے لیے PC-I مکمل طور پر تیار ہو چکا ہے۔ تمام انتظامی تقاضے مکمل ہونے کے بعد 02 ماہ کے اندر تعمیراتی کام باقاعدہ طور پر شروع ہو جائے گا۔ لہذا موجودہ انتظام کسی بھی صورت مستقل نہیں ہے بلکہ صرف عبوری/عارضی نوعیت کا ہے۔

اس عارضی عبوری نوعیت کی منتقلی سے کسی تعلیمی ادارے یا طالبات کو مستقل نقصان پہنچانا ہرگز مقصود نہیں ہے اور تعلیمی و تدریسی عمل کا بھی صائب ہونے کا اندیشہ موجود نہ ہے۔ مزید یہ کہ طالبات کی پردہ داری Privacy اور تحفظ کے حوالے سے جملہ اقدامات اٹھائے گئے ہیں۔

5. Furthermore, Secretary Higher Education appeared before the Court in person and also submitted a detailed report, wherein, it has been stated that due to non-availability of the buildings of the University, the said arrangement has been made totally on temporary basis and soon after the completion of building, the University classes would be shifted in its building. It has further been alleged that the protection and modesty of the girls will not be compromised under any circumstances and in this regard all the necessary measures have already been taken into consideration, as

the building wherein, the classes of the Girls Decree College have been shifted is completely covered by the boundary wall and there is no risk or threat of any security issue and concern.

6. The plain reading of the notification impugned shows that arrangement regarding shifting of the buildings is totally of temporary in nature as the land for the University has already been acquired and in this regard PC-I has also been completed. Due to said temporary shifting neither educational activities of the students would be disturbed nor their privacy would be affected. This temporary arrangement has been made by the Government just to start the classes of the University for limited period i.e. till completion of the University building. In para No.8 mentioned supra of the parawise comments, it has clearly been mentioned that the land for the University of Haveli has been awarded and PC-I has been completed, so, when the separate land for the University has already been allocated and designated then challenging of this temporary arrangement through the instant writ petition is meaningless as the said temporary arrangement has been made by the Government only for the welfare and benefit of the public at large and inhabitants of the District. As any new established institution has to suffer a lot of difficulties in its start, so, in order to fulfill the criteria given by the HEC, the Government took necessary steps like starting of the university classes in another building on account of lack of its own building as the said institution is newly born. The said temporary arrangement is made for limited period i.e. till completion of the

buildings of the University at newly awarded land and due to shifting of buildings of University, Colleges and Schools by the Government, neither the students would suffer a greater loss nor their educational activities would become disturbed, therefore, the petition at hand is devoid of any force is not maintainable and liable to be buried in its inception.

7. Having focus over the privacy of the female institution, we have summoned the Secretary Higher Education who put her presence before the Court and stated at bar that all the necessary steps are being taken to secure the privacy of the female institution. Although it is a temporary arrangement, she assured that all possible measures will be taken to remove the legitimate objections of the residents of the area and students qua maintaining their privacy. Propriety of purely an administrative decision qua establishing educational institution temporarily or for that matter permanently ipso-facto does not provide room for invoking extraordinary jurisdiction of High Court conferred under Article 44 of the Azad Jammu & Kashmir Interim Constitution unless and until violation of any codal command is established. Establishment of a University is a mega project carrying interest of public at large. Education is a public good which breath from constitutionally guaranteed rights enshrined in the Interim Constitution, specifically security of a person, equality clause and promotion of education (principles of policies). Even otherwise, interest of a small segment of the society must has to yield and give way to the interest of public at large. Let the interest of

public at large be prevailed. High Court as being writ Court cannot allow to fragile the interest of public at large. Carrying welfare of the entire society in shape of establishment of a mega project.

In light of what has been stated above, finding no force in this petition, it is hereby dismissed under the doctrine of limine control.

Muzaffarabad.

28.01.2026 (Saleem)

JUDGE

Note. Judgment is written and duly signed. The parties shall be intimated accordingly.