

FCC: HEC Equivalence Does Not Guarantee University Admission

A source-faithful analysis of Altaf Hussain v. University of the Punjab, HEC degree equivalence, programme eligibility, minimum credit hours and academic autonomy.

By Shahbaz Shah, Advocate High Court



COURT	Federal Constitutional Court of Pakistan
CASE	C.P.L.A. No. 1836-L of 2019
DECIDED	19 August 2026
RESULT	Petition dismissed; leave to appeal declined

Independent legal analysis based on the supplied court-issued judgment. Published 7 September 2026.

What the Federal Constitutional Court decided

Pakistan's Federal Constitutional Court has held that an equivalence certificate issued by the Higher Education Commission establishes the recognized academic level or comparability of a qualification, but does not by itself prove that the holder satisfies every admission requirement of a particular university programme.

In *Altaf Hussain v. The University of the Punjab through its Vice Chancellor and others*, C.P.L.A. No. 1836-L of 2019, the Court upheld the University's refusal to admit the petitioner to its M.Phil programme because his qualifying MBA comprised 60 credit hours while the University required the academic preparation reflected in its 75-credit-hour MBA programme.

The three-member bench comprised Justice Aamer Farooq, Justice Muhammad Karim Khan Agha, and Justice Syed Arshad Hussain Shah. Justice Syed Arshad Hussain Shah authored the judgment delivered on 19 August 2026. The petition for leave to appeal was dismissed and leave was declined.

The ruling in one sentence

HEC equivalence answers what academic level a qualification represents; university eligibility answers whether that qualification satisfies the additional, programme-specific requirements for admission, and the former does not automatically determine the latter.

How the admission dispute arose

The petitioner held an MBA degree from Allama Iqbal Open University and applied for admission to the University of the Punjab's M.Phil programme. The judgment records that he passed the GAT-General examination, participated in the University's admission process, and was declared successful in the admission test.

The Higher Education Commission also issued an equivalence certificate concerning his qualification. The dispute nevertheless arose over credit hours. The petitioner's AIOU MBA consisted of 20 courses carrying 60 credit hours, while the University stated that its own MBA programme consisted of 25 courses carrying 75 credit hours.

The University declined admission on the basis that the qualifying degree did not satisfy the minimum academic preparation it required for entry to the M.Phil programme.

The petitioner challenged that decision in Writ Petition No. 2166 of 2012. A learned Single Judge of the Lahore High Court decided the writ petition on 4 March 2016. The University then filed ICA No. 467 of 2016, which was allowed by a Division Bench on 25 February 2019. The petitioner sought leave to appeal against that appellate judgment before the Federal Constitutional Court.

The petitioner's argument: HEC had already decided equivalence

The petitioner's case was that HEC was the competent statutory authority to determine equivalence and had already recognized his qualification. On that reasoning, the University could not disregard the certificate, reassess the same question, or sit in appeal over HEC's determination.

He also relied on Article 37(c) of the Constitution, which concerns access to technical, professional, and higher education on the basis of merit. He invoked Article 143 as well, arguing that any conflict between federal and provincial law had to be resolved in favour of the federal law and, consequently, HEC's determination should prevail.

The petitioner maintained that he had met the advertised requirements, passed the relevant tests, and obtained the equivalence certificate. He therefore sought a direction that the University consider and, if he was otherwise eligible, admit him to the M.Phil programme.

The University's answer: equivalence is not programme eligibility

The University accepted that HEC possesses statutory authority to determine degree equivalence. Its objection was to the legal effect claimed for the certificate.

According to the University, recognition of a qualification as equivalent does not create an automatic, unconditional, or infeasible right to admission. The University argued that it remained responsible for setting the academic standards of its own programmes, including credit hours, coursework, research preparation, and other programme-specific conditions.

On that approach, HEC and the University were performing different functions. HEC identified the corresponding academic standing of the degree. The University decided whether the applicant had the academic preparation required for a particular M.Phil programme.

Why the Court separated equivalence from eligibility

The Court accepted the distinction between the two functions.

It held that HEC's authority to determine equivalence cannot be read in isolation from the statutory and academic autonomy vested in a university to frame and implement its admission policies. Nothing identified in HEC's governing Ordinance displaced the University's independent power to prescribe reasonable academic prerequisites for a particular programme.

The judgment defines the distinction in practical terms:

- equivalence concerns recognition of the academic level and comparability of a qualification; and
- eligibility concerns fulfilment of the particular academic prerequisites fixed for entry to a specific programme.

An equivalence certificate may therefore establish that a candidate has a qualification at the required general level and may support consideration of the application. It does not certify that every separate requirement in the University's admission policy has been fulfilled.

The wording of HEC's own certificate mattered

The certificate itself contained a limitation that supported the University's position. As reproduced in the judgment, HEC clarified that the admitting university retained responsibility for granting admission and determining the candidate's suitability for higher education.

That qualification was important because it showed that HEC did not present its equivalence decision as a command requiring admission. The certificate recognized the degree while leaving programme suitability to the admitting institution.

The Court consequently rejected the attempt to convert academic equivalence into an overriding mandate that would require the University to waive its own valid admission prerequisites.

University autonomy is substantial but not absolute

The judgment does not place admission decisions beyond judicial review. It recognizes institutional autonomy while identifying legal limits upon it.

A university may prescribe and enforce programme-specific eligibility criteria, including a minimum credit-hour requirement, where the criterion is authorized by its legal framework and applies reasonably and uniformly. Judicial intervention remains available if the challenged requirement or its application is shown to be:

- arbitrary or unreasonable;
- discriminatory;
- mala fide;
- beyond the University's lawful authority;
- contrary to statute or admission policy; or
- violative of a fundamental right or another applicable rule of law.

The petitioner did not establish any such defect in the credit-hour requirement. The record did not show that the criterion had been devised to exclude him, applied selectively, or imposed outside the University's statutory authority.

The Court therefore held that interference would impermissibly substitute a judicial assessment for that of the competent academic body.

Precedents on judicial restraint in academic matters

The Court relied on two reported Supreme Court authorities concerning university governance and admission policy.

In *Muhammad Mumtaz Khan v. Siraj Bibi*, 2024 SCMR 956, the Supreme Court recognized that educational institutions may set eligibility criteria through their rules, regulations, or prospectus. Courts ordinarily respect academic, administrative, and disciplinary autonomy unless the institution exceeds its authority, violates law, or disregards its own admission policy.

In *Khyber Medical University v. Ajmal Khan*, PLD 2022 SC 92, the Supreme Court emphasized that courts should interfere sparingly in the internal governance of educational institutions. Professional academic judgment should ordinarily prevail unless a policy violates fundamental rights or applicable law.

The Federal Constitutional Court applied those principles to the University's credit-hour criterion and found no established basis for judicial intervention.

Why Article 143 did not change the result

The petitioner invoked Article 143 on the footing that HEC's federal statutory authority conflicted with the University's provincial legal framework. The Court found no such conflict.

That conclusion follows from the Court's separation of functions. HEC's equivalence decision and the University's eligibility decision did not issue competing answers to the same legal question. One recognized the academic standing of the degree; the other applied an additional admission criterion to a particular programme.

The judgment should therefore not be read as weakening the constitutional rule that federal law prevails in an actual conflict falling within Article 143. It holds that the necessary conflict was absent on these facts.

What the judgment does not hold

The decision does not hold that an HEC equivalence certificate has no legal value. The Court expressly acknowledged its significance within the sphere for which it was issued.

It does not permit a university to reject an equivalent qualification for any reason it chooses. The additional requirement must remain lawful, reasonable, non-discriminatory, and within the institution's authority.

It does not hold that passing an admission test is irrelevant. The point is narrower: success in the test and possession of an equivalent qualification do not cure failure to meet a separate, valid eligibility condition.

It also does not declare that every credit-hour difference justifies refusal. The outcome depends on the governing admission criteria, the University's statutory framework, consistent application, and the evidence produced in the particular case.

Practical implications for students and universities

For students, an equivalence certificate should be treated as one part of the admission file, not as a guarantee. Before applying, a candidate should check the programme prospectus, minimum credit hours, required subjects, research component, duration, entry test, and any departmental conditions. If a university refuses admission, the written reason and the precise rule relied upon should be obtained.

For universities, the judgment supports academic autonomy but also demands defensible administration. Eligibility criteria should be published before applications are assessed, applied equally to comparable candidates, connected rationally to the programme, and traceable to the competent academic body's authority. An unpublished or selectively applied condition remains vulnerable to challenge.

For counsel challenging a refusal, the stronger case will ordinarily identify a concrete legal defect rather than rely only on HEC equivalence. Relevant grounds may include inconsistency with the prospectus, unequal treatment, retrospective criteria, lack of lawful authority, mala fides, irrationality, or disregard of the institution's own rules.

For counsel defending the institution, the record should establish the source of the eligibility rule, its publication, its academic purpose, consistent application, and the exact respect in which the applicant failed to satisfy it.

Final outcome

The Federal Constitutional Court found no misreading, non-reading, perversity, jurisdictional defect, arbitrariness, or other legal infirmity in the Lahore High Court's appellate judgment.

It held that the University was entitled to apply its independently prescribed minimum credit-hour requirement notwithstanding HEC's equivalence certificate. C.P.L.A. No. 1836-L of 2019 was dismissed as being without merit, and leave to appeal was declined.

The controlling principle is precise: academic equivalence can qualify a candidate for consideration, but it does not create a vested right to admission when a lawful, additional, and uniformly applicable programme requirement remains unsatisfied.

Judgment source and verification note

This analysis is based on the attached court-issued PDF in *Altaf Hussain v. The University of the Punjab through its Vice Chancellor and others*, C.P.L.A. No. 1836-L of 2019, decided on 19 August 2026. The document is marked approved for reporting, but it does not state a reported citation.

The attached file contains 11 PDF pages; the substantive judgment and signatures end on page 10, while page 11 contains no substantive text. The document was checked page by page and matched against the case entry on the Federal Constitutional Court's official judgments index.

The downloadable document is the supplied court-issued copy and is not represented as a certified copy. The applicable prospectus, complete admission record, statutory framework, and any later judicial treatment should be verified before reliance in litigation.

This is independent legal analysis for general information and research.