DALAM MAHKAMAH TINGGI MALAYA Dl KUALA LUMPUR DALAM NEGERI WILAYAH PERSEKUTUAN KUALA LUMPUR, MALAYSIA (BAHAGIAN KUASA-KUASA KHAS) [PERMOHONAN BAGI SEMAKAN KEHAKIMAN NO: WA-25-194-07/2020]

Dalam perkara mengenai pelantikan YBHG Dato' Nor Aieni binti Haji Mokhtar sebagai Naib Canselor Universiti Malaysia Terengganu oleh Menteri Pengajian Tinggi dan diumumkan pada 13.4.2020;

Dan

Dalam perkara Seksyen 4A Akta Universiti dan Kolej Universiti 1971;

Dan

Dalam perkara Seksyen 25(2) dan Perenggan 1, Jadual kepada Akta Mahkamah Kehakiman 1964;

Dan

Dalam perkara Aturan 53 Kaedah-Kaedah Mahkamah 2012.

ANTARA

1. PERTUBUHAN PERGERAKAN TENAGA AKADEMIK MALAYSIA (GERAK) (MALAYSIAN ACADEMIC MOVEMENT) (PPM-020-14-23061993)

2. PROFESSOR ZAHAROM NAIN
[dalam keupayaannya sebagai Pengerusi Pertubuhan Pergerakan Tenaga Akademik Malaysia (GERAK) (Malaysian Academic Movement)]

3. ROSLI MAHAT
[dalam keupayaannya sebagai Setiausaha Pertubuhan Pergerakan Tenaga Akademik Malaysia (GERAK) (Malaysian Academic Movement)]

... PEMOHON-PEMOHON

DAN

1. MENTERI PENGAJIAN TINGGI MALAYSIA

2. YBHG DATO' DR. NOR AIENI MOKHTAR
[Naib Canselor Universiti Malaysia Terengganu] **... RESPONDEN-RESPONDEN**

Judgment

Introduction

[1] The Applicants had filed an application for judicial review proceeding **(Enclosure** 6) under Order 53 of the Rules of Court 2012 **(ROC).** The leave was granted by this court on 10.8.2020.

[2] The Applicants seek the following reliefs:-

2.1 that leave be granted for a declaration that the decision of the First Respondent, as communicated by way of an announcement dated 13.4.2020, that appointed the Second Respondent as the Vice-Chancellor of Universiti Malaysia Terengganu **(the University)** is invalid in law and/or an unreasonable exercise of power in the Wednesbury sense;

2.2 that leave be granted for a declaration that the decision of the First Respondent, as communicated by way of an announcement dated 13.4.2020, that appointed the Second Respondent as the Vice-Chancellor of the University is *ultra vires* section 4A of the Universities and University Colleges Act 1971 **(UUCA);**

2.3 that leave be granted for a declaration that the decision of the First Respondent, as communicated by way of an announcement dated 13.4.2020, that appointed the Second Respondent as the Vice-Chancellor of the University is procedurally improper and/or in breach of natural justice as the First Respondent failed to consult and/or adequately consult the Permanent Selection Committee for the Appointment of Public University Vice-Chancellors **(the Committee)** established under section 4A of the UUCA on the appointment of the Second Respondent prior to the appointment;

2.4 that leave be granted for an order of *certiorari* to quash the decision of the First Respondent, as communicated byway of an announcement dated 13.4.2020, that appointed the Second Respondent as the Vice-Chancellor of the University;

2.5 that leave be granted for a writ of *quo warranto* to be issued in respect of the appointment of the Second Respondent as the Vice-Chancellor of the University;

2.6 all necessary and consequential orders or directions, as deemed fit by this Honourable Court; and

2.7 the costs of this application and all cost occasioned thereby be costs in the cause.

The Applicant's ground for the judicial review

[3] The grounds upon which the said reliefs are being sought are as follows:

3.1 the First Respondent appointed the Second Respondent as the Vice-Chancellor of the University with effect from 13.4.2020;

3.2 the First Respondent failed to consult and/or adequately consult the Committee established under section 4A of the UUCA on the appointment of the Second Respondent as the Vice-Chancellor of the University prior to the appointment;

3.3 the First Respondent acted in error of law or jurisdiction or acted unreasonably in the Wednesbury sense when it appointed the Second Respondent as the Vice-Chancellor of the University in the absence of any and/or any adequate consultation with the Committee on the appointment of the Second Respondent prior to the appointment;

3.4 the First Respondent rendered a decision that was procedurally improper and/or in breach of the rules of natural justice in appointing the Second Respondent as the Vice- Chancellor of the University in view of the absence of any and/or adequate consultation with the Committee on the appointment prior to the appointment;

3.5 the First Respondent acted in breach of the legitimate expectation of the Committee to be consulted and/or adequately consulted prior to the appointment of the Second Respondent as the Vice-Chancellor of the University;

3.6 the First Respondent acted in bad faith and/or ulterior motive in failing to consult and/or adequately consult the

Committee prior to the appointment of the Second Respondent as the Vice-Chancellor of the University;

3.7 that the First Respondent acted in error of law in failing to take into account the views and the interests of the Committee on the appointment of the Second Respondent as Vice- Chancellor of the University prior to the appointment; and

3.8 that the First Respondent acted in error of law or jurisdiction or acted unreasonably in the Wednesbury sense in failing to consult the Committee on the appointment of the Second Respondent as the Vice-Chancellor of the University as the same was contrary to the rationale of section 4A of the UUCA.

[4] In gist, the Applicants seek to quash the decision of the First Respondent announced on 13.4.2020 reappointing the Second Respondent as the Vice-Chancellor of the University and rely on the following grounds of judicial review:-

4.1 Illegality or *ultra vires*;

4.2 "Unreasonableness in the Wednesbury sense";

4.3 Procedural impropriety and/or breach of natural justice;

4.4 Breach of legitimate expectation of the Committee;

4.5 Bad faith and/or ulterior motive on the part of the First Respondent; and

4.6 Failing to take into account a relevant consideration, namely the views and interests of the Committee.

[5] After the Hearing, I dismissed the Applicant's application (Enclosure 6). The grounds for my decision appear below.

Background Facts

[6] The background facts of this case are largely undisputed and can be summarized as follows:-

a. The First Applicant is a society registered under the Societies Act 1966 with various objectives relating to higher education and academic in Malaysia and has a registered address at 89, Jaian Athinahapan, 60000 Taman Tun Dr Ismail, Wilayah Persekutuan, Kuala Lumpur.

b. The Second Applicant is the Chairman of the First Applicant and the Third Applicant is the Secretary of the First Applicant.

c. The First Respondent is the Minister of Higher Education, Malaysia and the relevant Minister under the UUCA.

d. The Second Respondent at the material times was the Vice-Chancellor of the University with an address for service at Universiti Malaysia Terengganu, 21030 Kuala Nerus, Terengganu.

e. The University is a University incorporated under the UUCA. Section 12 of the University Constitution states that the University shall have a Vice-Chancellor who shall be the Chief Executive Officer of the University.

f. The appointment of the Vice-Chancellor is effected by the First Respondent by virtue of section 4A of the UUCA which states that:-

Committee to advise Minister on appointment

4A. For the purpose of selecting a qualified and suitable person for the post of Vice-Chancellor or for any other post to which the Minister has the power to appoint under this

Act, the Minister shall, from time to time, appoint a committee to advise him on such appointment.

g. The Second Respondent was appointed to this position on 13.4.2015 for a term of 3 years.

h. Her appointment was later renewed on 13.04.2018 for another term of 2 years. There is no issue pertaining to the reappointment.

i. The Second Respondent was then reappointed by the First Respondent on 13.04.2020 for a term of 1 year, ending on 12.04.2021, by virtue of the Reappointment Decision.

Issues

[7] Having perused the cause papers, I am of the view that there is only one issue to be determined by this court ie, whether the reappointment of the Second Respondent as the Vice-Chancellor of the University by the First Respondent is valid in law.

The decision of the Court

Locus Standi

[8] The Applicants submit that they have the legal standing to challenge the impugned appointment based on the following:-

8.1 the Applicants have a "real and genuine interest" in the propriety or otherwise of the Impugned Appointment;

8.2 the First Applicant is a society that represents the interests of academics and has an interest in academic affairs;

8.3 the First Applicant is comprised of academic staff in higher educational institutions in Malaysia;

8.4 the objectives of the First Applicant include -

"3. Memperjuangkan kebebasan akademik dan autonomi institusi pengajian tinggi" and "6. Mengelola dan mengambil bahagian dalam pelbagai kegiatan akademik dan social demi menegakkan keamanan, demokrasi, nilai-nilai murni sejagat dan hak asasi manusia";

8.5 therefore, the First Applicant has a "real and genuine interest" in the promotion of educational and/or academic affairs in Malaysia and the promotion of academic freedom and the enhancement of the autonomy of higher educational institutions in the country;

8.6 the First Applicant has acted upon this interest in the past by submitting a proposal to the then Minister of Education on the need, amongst others, to enhance academic independence;

8.7 it is understood in the academic fraternity that the Vice-Chancellorship of a University or University College is a position to which most academic staff aspire. The members of the First Applicant comprise of academic staff in higher educational institutions. Therefore, the process of the appointment of a Vice-Chancellor is a matter of real and genuine interest to the First Applicant's members; and

8.8 as the Committee was established to instill greater accountability, transparency, professionalism and academic independence and autonomy in the process of the appointment of Vice-Chancellors, the proper and effective functioning of the Committee are matters that fail squarely within the interests of the First Applicant.

[9] According to the Applicants, the professed objectives and interests of a society should be considered when determining its legal standing in a judicial review.

[10] The Applicants' *locus standi* also arises in view of the First Applicant's membership, which is comprised of academic staff at higher educational institutions in Malaysia.

[11] Order 53 rule 2(4) of the ROC states that:

"(4) Any person who is adversely affected by the decision, action or omission in relation to the exercise of the public duty or function shall be entitled to make the application."

[12] lam of the view that the Applicants have to at least show that they have a real and genuine interest in the subject matter in order to pass the adversely affected test.

[13] The Federal Court in the case of *Malaysian Trade Union Congress & Ors v. Menteri Tenaga, Air dan Komunikasi & Anor* [2014] 2 MLRA 1; [2014] 3 MLJ 145; [2014] 4 AMR 101; [2014] 2 CLJ 525, clearly used the test "adversely affected" in determining the issue of whether the Malaysian Trade Union Congress **(MTUC)** was a person adversely affected by the Minister's decision to reject the application for disclosure of and access to the two documents, ie, the audit report and the concession agreement.

[14] It is my view that the Applicants do not have the legal standing to file this judicial review proceeding based on the following reasons:-

[15] The Applicants have made a bare assertion that they have been adversely affected when the First Respondent failed "to consult" the Committee before making a decision to reappoint the Second Respondent as Vice-Chancellor of the University.

[16] First and foremost, the Committee and the Board of the University did not challenge the reappointment of the Second Respondent.

[17] Furthermore, the Applicants do not represent the Committee and the Board of the University.

[18] The Applicants seek to establish that they are adversely affected since the objectives of the First Applicant relate to higher education and academic affairs throughout Malaysia. Besides, its membership comprised academics from higher education institutions. Further, the Applicants averred that they have a real and genuine interest since the position of Vice-Chancellor is a position that most academic staff aspire to assume.

[19] However, I find that the objectives of the First Applicant are not relevant and do not confer standing. I find support in my view by referring to the case of *Dewan Pemuda Masjid Malaysia v. SIS Forum (Malaysia)* [2011] 1 MLRH 45; [2012] 1 MLJ 126; [2011] 4 CLJ 630 where Zabariah Mohd Yusof J (now FCJ) held as follows:-

> **"[**22**]** The fact that the applicant is acknowledged (iktiraf) by the government and JAKIM does not bestow upon the applicant such enforcement or regulatory powers. **Nor can the mere objectives of the applicants that upholds the religion of Islam and maintain the sanctity and the holiness of the teaching of Islam, suffice. Imagine how chaotic that would be if every organisation in Malaysia with such objectives is to claim to have enforcement and regulatory powers in the absence of any statutes empowering them to do so."**
>
> (emphasis added)

[20] Based on the above, it is clear that whether the Applicants are adversely affected must ultimately refer to whether they are

impacted by a failure of the First Respondent to comply with Section 4A of the UUCA as alleged by the Applicants.

[21] It is my view that whilst the Applicants advocate the rights of the academicians, it cannot in any circumstances be clothed with the *locus* to file the application for judicial review.

[22] In the *Malaysian Trade Union Congress & Ors* (*supra*), the MTUC applied to the Minister for a copy of the concession agreement and the audit report to justify the 15% increase in water tariffs which was refused by the Minister on the ground that the two documents were classified documents; Hence the MTUC and 3 others filed an application for the judicial review.

[23] It must be emphasised that the Federal Court only recognised the First Appellant, ie, MTUC as an adversely affected person since it was the First Appellant's application for the said document which was rejected. In doing so, the Federal Court held as follows:-

> [58] ,. .In our view **for an applicant to pass the "adversely affected" test, the applicant has to at least show he has a real and genuine interest in the subject matter,** it is not necessary for the applicant to establish infringement of a private right or the suffering of special damage"
>
> (emphasis added)

[24] The Federal Court further held as follows:-

> [59] We now deal with the issue of **whether the second to the 14th appellants are persons adversely affected by the Minister's decision to reject the first appellant's application for the disclosure of and access to the two documents.** They did not make a similar request to the Minister for the disclosure of and access to the two documents. We agree with the majority's

view that **their dissatisfaction with the decision of the Minister in rejecting MTUC's application did not make them persons who were 'adversely affected' by the Minister decision falling within the ambit of O. 53. They were clearly strangers to the said application, in our view they had not satisfied the test of threshold *locus standi* under O. 53 r. 2(4) of the RHC and as such they were not entitled to the reliefs sought in their application.**

(emphasis added)

[25] Based on the above, l view that even if the membership of the First Applicant consisted of the academics throughout the country as alleged by the Applicants, this does not make the Applicants adversely affected by the Reappointment of the Second Respondent.

[26] The Applicants alleged that since the academics desire to become Vice-Chancellors, they are interested in the process of the appointment of the Vice-Chancellor. If l were to accept such a contention, then it would mean that every academic in Malaysia has the standing to judicially review the appointment of any Vice-Chancellor.

[27] I find support in my view by referring to the case of *Marcel Jude Joseph v. The Minister of Education, Ministry of Education, Malaysia* [2011] 13 MLRH 281; [2012] 7 CLJ 196; [2012] 4 MLJ 555 at 562 where Abdul Rahman Sebli J (now FCJ) held as follows:-

The rule is therefore clear. **Anyone who wants to apply for judicial review must first show that he is adversely affected by the decision of the public authority.** In the present case **the applicant fails to show in what manner he is adversely affected by the decision of the respondent to abolish the PPSMI. He**

merely states that he is involved in the field of education by virtue of being the Deputy President of the Association of Ex-Students of La-Salle and Sacred Heart which has among its objectives the provision of material as well as organisational support for La Salle and Sacred Heart School and the undertaking of civic action. **This is hardly sufficient to establish adverse effect. He therefore lacks the *locus standi* to institute the present application.**

(emphasis added)

[28] The Applicants further relied on the Indian and Australian authorities for the proposition that being an interest group, the Applicants have the *locus standi* to file the judicial review application.

[29] However, I find that the Federal Court in *Malaysian Trade Union Congress & Ors* (*supra*) clearly said that the test for *locus standi* is not necessarily the same as that in other jurisdiction.

[30] The Federal Court affirmed the decision in *QSR Brands Bhd v. Suruhanjaya Sekuriti & Anor* [2006] 3 MLJ 164; [2006] 1 MLRA 516; [2006] 2 CLJ 532; [2006] 3 AMR 320 that "there is a single test of threshold *locus standi* for all the remedies that are available under the Order. **It is that the Applicant should be 'adversely affected'.**

(emphasis added)

[31] Therefore, the test in Malaysia clearly differs from the Australian test of 'special interest' and the Indian decisions regarding *locus standi* also do not, to my mind, assist the Applicants as India has no legislation on the issue, in contrast to our Order 53 rule 2(4) of the ROC.

[32] The Applicants upon realising that both the Respondents raised the issue of *locus standi* of the Applicants in filing this judicial review application, filed another Affidavit in Support affirmed by Dr Andrew Charles Bernard Aeria on 5.11.2020 (Enclosure 14).

[33] However, I find that the information gathered from Dr Andrew Charles does not confer a legal standing for the Applicants to pursue the judicial review application.

[34] What is more interesting is that in the haste of filing Dr Andrew Charles's Affidavit in Support, the Applicants forgot to amend the contents of the Statement (Enclosure 2) to support the judicial review application. Hence, it is my view that the action taken by the Applicant is clearly an afterthought.

[35] It is my view that the sole test for *locus standi* remains the adversely affected test under Order 53 rule 2(4) of the ROC, in respect of which the Applicants have not shown any adverse effect.

[36] To me, this application can only be brought by the Committee and/or the Board of the University. The absence of challenge by the Committee and/or the Board of the University in no way confers legal standing on the Applicants.

[37] Based on the above, I am of the view that the Applicants' application for judicial review is incompetent and based on this ground alone, the application ought to be struck out. However, for completeness, I will now deal with the merits of the application.

Whether Section 4A of the UUCA apply to the Reappointment

[38] The Applicants submit that the impugned Reappointment is bad in law for the failure of the First Respondent to consult the Committee prior to the Second Respondent's appointment.

[39] This failure, according to the Applicants resulted in breach of section 4A of the UUCA and the public law principle of prior consultation where required by statute.

[40] Section 4A of the UUCA states as follows:-

Committee to advise Minister on appointment

"4A. **For the purpose of selecting a qualified and suitable person** for the post of Vice-Chancellor or for any other post to which the Minister has the power to appoint under this Act, **the Minister shall, from time to time, appoint a committee to advise** him on such appointment.

(emphasis added)

[41] It is my view that section 4A of the UUCA does not give an obligation to the First Respondent to consult the Committee when re- appointing a Vice-Chancellor.

[42] It is to be noted that the plain and ordinary meaning of section 4A of the UUCA is that the advice of the Committee is only for the appointment and not re-appointment of the Vice-Chancellor.

[43] N.S Bindra's Interpretation of Statutes at pages 438-439 had stated as follows:-

"In constructing a statutory provision **the first and foremost rule of construction is the literary construction.** All that we have to see at the very outset is what the provision says. **If the provision is unambiguous and if from the provision the intent is clear, we need not call into aid the other rules of the construction of statutes.** The other rules of construction of statute are called into aid only when the legislative intention is not clear. **When the language of a statute is plain and unambiguous, that is to say, admits but of one meaning, there is no occasion for construction."**

(emphasis added)

[44] Based on the above, it is clear that the word 'reappointment[1] does not appear in section 4A of the UUCA. Therefore, it is my view that unless the context otherwise permits, it is not possible for this court to read that word into the said provision.

[45] in *Fairise Odyssey (M) Sdn Bhd v. Tenaga Nasional Berhad* [2019] 4 MLR A 605; [2019] 8 CLJ 20; [2019] 6 MLJ 281 at 297; Her Ladyship Tengku Maimun Tuan Mat, Chief Justice refused to interpret the word "approval" in the legislation to mean 'approval in writing' when Her Ladyship held as follows:-

"[57]... the words 'approval in writing'. **Applying the first and most elementary rule of construction, it is to be assumed that the words and phrases are used in their ordinary meaning.** Parliament had deemed it fit not to provide for the words 'approval in writing'. The intention of Parliament in our view is made clearer if we were to contrast s 12 with other provisions in the 1990 Act, namely ss. 11(4), 14(2)(a) and 37(13)(a) which specifically stipulate for certain acts to be done in writing.

[58] **It is trite that the duty of the court is limited to interpreting the words used by the Legislature and it has no power to fill the gaps disclosed. To do so would be to usurp the function of the Legislature....''**

(emphasis added)

[46] Based on the clear wording of section 4A of the UUCA, it is my view that the Applicants have misconstrued the plain words of the said section 4A.

[47] I say so because I am of the opinion that the said section 4A only imposes an obligation on the First Respondent to appoint the Committee so as to advise him whenever a candidate for

reappointment is qualified and suitable. To me, this is not the same as an obligation to consult.

[48] It is to be noted that where Parliament has intended to impose an obligation to consult in the UUCA it has expressly done so. "Consultation" is required by section 12 of the UUCA and sections 4B(4), 9A(1), 9A(3), 18(1 A), 18(3), 18(4), 29(2) and 46(1), of the First Schedule of the UUCA.

[49] It is also of crucial significance that Parliament had enacted provisions in the UUCA that expressly refer to "reappointment" such as section 7(4), 11(4), 14(1), 16A(4), 18(5) and 23(1)(b) of the First Schedule of the UUCA.

[50] Therefore, it is my view that in the matter of appointing the Vice-Chancellor of the University, the UUCA distinguishes between 'advice' and 'consultation'.

[51] Section 9(1) of the First Schedule, UUCA, which is reproduced in section 12(1) of the University Constitution, provides that, "There shall be a Vice-Chancellor who shall be appointed by the Minister on the advice of the committee appointed under section 4A of the Universities and University Colleges Act 1971 and after consultation with the Board."

[52] Therefore, it is my view that the distinction reflects the limited function of the Committee, to provide advice only on qualifications and suitability.

[53] It follows that the Applicants argument and authorities, premised on the duty to consult are misconceived.

[54] Further, I find that the Applicants had cited the Indian and Australian authorities to support its case that the Committee's advice is required not only for appointment but also the reappointment.

However, I am of the view that the decisions on interpretation of the statute are not authorities for the interpretation of another statute. I find support in my view by referring to the case of *Perbadanan Kemajuan Kraftangan Malaysia v. DW Margaret a/p David Wilson (t/a Kreatif Kraf)* [2009] 4 MLR A 265; [2010] 5 CLJ 899; [2010] 2 MLJ 713, where Zaki Azmi Chief Justice (as he then was) held that:

[28] **This line of interpreting one legislation so as to create a precedent for purposes of interpreting another legislation is untenable as the legislation relied upon are not in *pari materia*.** The provisions in Acts **489** and **452** mentioned above operate for purposes specific to the scheme of each legislation. As Cross: Statutory Interpretation **(2nd** Ed, **1987)** at p **38** said:

A decision on the interpretation of one statute generally cannot constitute a binding precedent with regard to the interpretation of another statute.

(emphasis added)

[56] Further, I find that the cases cited by the Applicants are not relevant as they refer to statutes which are not *pari materia* with the UUCA.

[57] Based on the above, I view that when the legislation is unambiguous and when the words are unequivocal, any other construction has no application. Thus, I am of the view that the First Respondent has complied with the requirement of section 4A of the UUCA in respect of the appointment.

Legitimate Expectation

[58] On the issue of legitimate expectation, I find that the Applicants have not provided any basis as to how a legitimate expectation

had arisen. The Applicants have not demonstrated how or in what manner the representation had been made that give rise to a legitimate expectation whereby the Committee did not raise issue at all.

[59] The Court of Appeal in the case of *Ambiga a/p Sreenevasan v. Director of Immigration, Sabah, Noor Alam Khan b. A Wahid Khan & Ors* [2017] 6 MLRA 33; [2017] 9 CLJ 205; [2018] 4 AMR 525; [2018] 1 MLJ 633 held as follows:-

> [53] The doctrine of legitimate expectation originates from common law principles of fairness. English courts developed this doctrine clearly to encourage good administration and prevent-abuses by decision-makers (see Peter Leyland, Gordon Anthony (2009), 'Legitimate Expectation', Textbook on Administrative Law (6th Ed), Oxford New York, NY: Oxford University Press, at pp 313-330). Generally, the courts will grant judicial review of an administrative decision **based on individual's legitimate expectation if a public authority has made a representation to the individual within its power. The individual has to show that the representation was a clear and unambiguous promise, an established practice or a public announcement. This is largely a factual inquiry** (see *R v. North and East Devon Health Authority, ex parte*.
>
> (emphasis added)

Conclusion

[60] Premised on the aforesaid reasons, I am of the view that the Applicants have not established any of their grounds for judicial review.

[61] As such, the Applicants' application for judicial review (Enclosure 6) is dismissed with costs of RM5,000.00 to be paid by the Applicants to the First Respondent without the allocator fee and to the Second Respondent costs of RM5,000.00 subject to payment of the allocator fee.

Dated: 22 APRIL 2022

(AHMAD KAMAL SHAHID)
Judge
High Court Kuala Lumpur

COUNSEL:

For the applicants - Gregory Das & Jace Chakrabarthy; M/s Steven Thiru & Sudhar Partnership
Peguambela dan Peguamcara
Unit A1-12-01, Arcoris Mont Kiara,
Jalan Kiara,
50480 Mont Kiara,
Kuala Lumpur
[Ruj.Tuan: IJC/GD/MAM/MOE@DDNAM/01 (20-575) 3

For the first respondent - Mohd Sabri Othman, Peguam Kanan Persekutuan; Jabatan Peguam Negara
Bahagian Guaman,
No 45, Persiaran Perdana
Presint 4,
62100 Putrajaya.

For the second respondent - Malik Imtiaz Sarwar & Chan Wei June; M/s Malik Imtiaz Sarwar
Peguambela dan Peguamcara

No 4, Dalaman Tunku
Bukit Tunku,
50480 Kuala Lumpur.

Case(s) referred to:

Malaysian Trade Union Congress & Ors v. Menteri Tenaga, Air dan Komunikasi & Anor [2014] 2 MLRA 1; [2014] 3 MLJ 145; [2014] 4 AMR 101; [2014] 2 CLJ 525

Dewan Pemuda Masjid Malaysia v. SIS Forum (Malaysia) [2011] 1 MLRH 45; [2012] 1 MLJ 126; [2011] 4 CLJ 630

Marcel Jude Joseph v. The Minister of Education, Ministry of Education, Malaysia [2011] 13 MLRH 281; [2012] 7 CLJ 196; [2012] 4 MLJ 555

QSR Brands Bhd v. Suruhanjaya Sekuriti & Anor [2006] 3 MLJ 164; [2006] 1 MLRA 516; [2006] 2 CLJ 532; [2006] 3 AMR 320

Fairise Odyssey (M) Sdn Bhd v. Tenaga Nasional Berhad [2019] 4 MLR A 605; [2019] 8 CLJ 20; [2019] 6 MLJ 281

Perbadanan Kemajuan Kraftangan Malaysia v. DW Margaret a/p David Wilson (t/a Kreatif Kraf) [2009] 4 MLR A 265; [2010] 5 CLJ 899; [2010] 2 MLJ 713

Ambiga a/p Sreenevasan v. Director of Immigration, Sabah, Noor Alam Khan b. A Wahid Khan & Ors [2017] 6 MLRA 33; [2017] 9 CLJ 205; [2018] 4 AMR 525; [2018] 1 MLJ 633

Legislation referred to:

Rules of Court 2012, O. 53 r. 2(4)

Universities and University Colleges Act 1971, ss. 4A, 4B(4), 7(4), 9(1), 9A(1), (3), 11(4), 12(1), 14(1), 16A(4), 18(1A), (3), (4), (5), 23(1)(b), 29(2), 46(1), First Schedule