

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**C.P No.D-1701 of 2025**  
**(Dr. Maliha Muhammad Ali Hasan Patel v Province of Sindh & others )**

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Before:-  
Mr. Justice Adnan-ul-Karim Memon  
Mr. Justice Zulfiqar Ali Sangi

**Date of hearing and order:- 18.02.2026**

Mr. Ali Asadullah Bullo, Advocate for the petitioner.  
Mr. Malik Altaf Hussain, Advocate for Respondents No.2 to 8.  
Mr. Riaz Alam Khan, Advocate for Respondent No.8.  
Mr. Muhammad Nasir, Advocate for respondent No.10.  
Mr. Ali Safdar Depar, A.A.G.  
Mr. Saleem Khan, Senior Law Officer, CPSP.

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**ORDER**

**Adnan-ul-Karim Memon, J**      The case of the Petitioner is that she is a qualified medical professional who completed her MBBS from Karachi Medical and Dental College (KMDC) in 2019 and is presently enrolled as a postgraduate trainee in FCPS-II Internal Medicine at Abbasi Shaheed Hospital under the administrative control of Karachi Metropolitan Corporation. It is submitted that she joined the four-year paid residency training programme on 27.01.2023 pursuant to an offer issued by the Director of the hospital and has since diligently performed her clinical, academic, and research responsibilities without any complaint or adverse remarks. However, her supervisor had also approved her research synopsis and certified successful completion of various clinical rotations, which demonstrates her satisfactory performance during the training period. She submits that despite the above, Respondent No.6 repeatedly pressurized her to resign or change her supervisor without assigning any lawful reason. Subsequently, her name was arbitrarily removed from the duty roster, and she was denied clinical assignments without issuance of any show-cause notice or initiation of disciplinary proceedings. Although her duties were temporarily restored upon intervention by the Mayor of Karachi, the Respondents again threatened her with termination and directed her to nominate a new supervisor within three days, failing which she would be compelled to leave the training programme.

2.      It is argued by the learned counsel for the petitioner that the Respondents acted in violation of the prescribed guidelines of the College of Physicians and Surgeons Pakistan (CPSP) regarding change of supervisor, which mandate due process and mutual consent. He added that the Petitioner neither requested any change of supervision nor was any formal complaint communicated to her;

nevertheless, her biometric attendance and duty roster were discontinued without any lawful authority or written order, effectively preventing her from continuing her residency training. Learned counsel submits that the Petitioner approached all relevant forums, including the Disciplinary Committee of the hospital and the CPSP, but no relief was granted. Per learned counsel, the impugned actions of the Respondents, being arbitrary and without due process, violate the Petitioner's fundamental rights guaranteed under Articles 4, 9, 18, and 25 of the Constitution and have jeopardized her professional career and eligibility for postgraduate qualification. He prayed to allow this petition.

3. Senior Law Officer, CPSP present in court submits that CPSP is an independent statutory body established under Ordinance XX of 1962 for the purpose of regulating postgraduate medical education, arranging training programmes, conducting examinations, and awarding professional qualifications. It is submitted that after qualifying FCPS-I, the Petitioner opted to join an accredited training institute, namely Abbasi Shaheed Hospital, where the terms and conditions of training were governed by the rules of the training institution. He added that CPSP is responsible only for monitoring training standards, approving research work, and conducting examinations, whereas day-to-day administrative matters and disciplinary control over trainees fall within the domain of the training hospital. He further submits that during the course of training, the conduct of the Petitioner was reported to be unsatisfactory and she was warned by the training institute, to which she admitted and apologized. Being dissatisfied with the institutional action, the Petitioner has filed the present petition, which does not warrant interference against CPSP. He prayed to dismiss the petition.

4. Learned counsel for Respondent No.10 submits that the present petition is not maintainable as the Petitioner has failed to exhaust the adequate alternate remedy available under the Pakistan Medical Commission (Enforcement) Regulations, 2021, which provide a comprehensive mechanism for filing complaints before the Disciplinary Committee. It is further contended that the petition involves disputed questions of fact which cannot be adjudicated upon in constitutional jurisdiction under Article 199 of the Constitution. Learned counsel submits that CPSP operates under its own statutory framework and is not governed by the Respondent Council in matters relating to postgraduate supervision or training. In view of the above, learned counsel prays that the petition, being misconceived and non-maintainable, is liable to be dismissed.

5. After hearing learned counsel for the parties present in court and examining the material placed on record, it appears that the Petitioner is an enrolled FCPS-II trainee in Internal Medicine at Abbasi Shaheed Hospital, an accredited training institute of the College of Physicians and Surgeons Pakistan (CPSP). The record

reflects that she was formally inducted into the four-year residency programme and continued her training for a considerable period. It is also not disputed that her research synopsis was approved, and clinical rotations were duly certified during the course of training.

6. The core controversy does not pertain to academic ineligibility but to administrative and supervisory issues within the hospital. Even according to the stance of CPSP, day-to-day disciplinary control and supervision of trainees fall within the domain of the training institution. However, any adverse action affecting a trainee's continuation in a statutory postgraduate programme must conform to the principles of natural justice and due process. Removal from the duty roster, discontinuation of biometric attendance, and coercion to resign without issuance of a show-cause notice or a reasoned order are actions that cannot be sustained in law.

7. It is a settled principle that where statutory rights or legitimate expectations are created under a regulatory framework, such rights cannot be defeated through arbitrary or non-transparent measures. The Supreme Court emphasized that executive discretion must be exercised fairly, reasonably, and in accordance with law. Likewise, arbitrary state action violative of fundamental rights cannot be sustained. Furthermore, the Supreme Court reiterated that statutory bodies must act within the bounds of their governing law and cannot defeat accrued rights through administrative fiat.

8. In the present case, no formal termination order has been issued. The Petitioner continues to remain on the rolls of CPSP as a registered trainee. In such circumstances, completely depriving her of training opportunities without due process would amount to frustrating her vested right to complete the programme. However, at the same time, considering that big differences appear to have arisen between the Petitioner and her supervisor, it would neither be conducive to institutional harmony nor academically prudent to compel continuation under the same supervisory arrangement. The ends of justice would therefore be met by directing a change of supervisor strictly in accordance with CPSP regulations, without penalizing the Petitioner for circumstances not established through lawful proceedings.

9. Consequently, the petition is disposed of in the following terms:

1. The Respondents are directed to restore the Petitioner's training status forthwith and permit her to continue and complete her FCPS-II (Internal Medicine) residency programme at Abbasi Shaheed Hospital.
2. The hospital administration shall, within a reasonable period, process and finalize the change of supervisor in accordance with the applicable rules and guidelines of the College of Physicians and Surgeons Pakistan, ensuring transparency and due process.

3. CPSP shall not raise any technical objection on account of the intervening dispute and shall facilitate the Petitioner in completing her remaining training period, subject to fulfillment of academic requirements.
4. The Petitioner shall be allowed to complete her subject course without hindrance, and no coercive or punitive action shall be taken against her except strictly in accordance with law and after due process.
5. In case any allegation of misconduct is to be pursued, the same shall be proceeded with through a proper show-cause notice and reasoned order, affording full opportunity of hearing.

Judge

Judge

Shafi