

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-8018 o 2019

Date	Order with signature of Judge
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PRIORITY

1. For hearing of Misc. No.35353/2019.
2. For hearing of main case.

Present

Mr. Justice Muhammad Ali Mazhar
Mr. Justice Yousuf Ali Sayeed.

Maria Habib Soomro.....Petitioner

Versus

Province of Sindh & others.....Respondents

10.01.2020.

Ms. Amna Usman, Advocate for the Petitioner.

Mr. Faiz Durrani, Advocate for the Respondent No.3/ILMA University.

Mr. Jawwad Dero, Addl. A. G.

Muhammad Ali Mazhar, J: The Petitioner has prayed for directions against the Respondent No.3 to issue a Degree and Qualification Transcript to the Petitioner for MBA-III Course in terms of ILMA University Act, 2016 and further prayed to restrain them from taking any adverse or coercive action against the Petitioner.

Learned counsel for the Respondent No.3 has filed Objections to the Petition and refers to Page-35, which is allegedly an application in the handwriting of the Petitioner with her signature whereby she herself requested for issuance of incomplete transcript as due to her personal reasons it was difficult for her to continue her study in the Respondent-Institution. He further referred to Page-37, which is a copy of the

Transcript No.W-106759 dated 04.11.2017 issued to the Petitioner in which GP of the Petitioner in Human Resource Management and Change Management is “0.00” and she was declared failed. He further argued that on the basis of these two documents, it is clear that the transcript was issued on 04.11.2017 and the Petitioner herself submitted the application in writing to issue her transcript. On the contrary, learned counsel for the Petitioner has challenged the genuineness of both the documents and it was further argued that the Petitioner has never submitted any application for issuance of incomplete transcript. Learned counsel for the Petitioner has attached the screenshot of the result of the Petitioner, which is available at Page-29 of the Court file, according to which, she cleared both the aforesaid subjects and it is further contended that the Petitioner has already paid entire fee including the graduation fee.

It is well settled principle of law that factual disputes or the disputed question of fact cannot be resolved under the writ jurisdiction. What we understand that some allegations have been leveled vice-versa, which cannot be determined without recording evidence.

After hearing the arguments at some length, both the learned counsel agreed that in order to resolve the controversy, the matter may be referred to the Vice Chancellor, who may examine the entire matter and decide the same as Head of the Institution in accordance with law. By consent, the instant Petition stands disposed of with pending application in the following terms.

1. The Vice Chancellor of the Respondent No.3 will provide the right of personal hearing to the Petitioner and fix the matter on 17.01.2020, at 2.30 p.m in his office.
2. The Vice Chancellor shall examine the documents allegedly submitted by the Petitioner and call the original transcript of the University and confront to the Petitioner.
3. The Vice Chancellor shall also examine the copy of screenshot of the transcript allegedly issued by the Registrar to confirm whether the Petitioner has cleared both the Papers or not.
4. The Registrar of the University shall also be available at the time of personal hearing of the Petitioner and produce all the original record before the Vice Chancellor for just and proper decision.
5. The Vice Chancellor shall also examine whether the Petitioner has been issued incomplete transcript or not and after giving the ample opportunity decide the matter within a period of 15 days.

JUDGE

JUDGE

MUBASHIR