

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

C.P No. D-546 of 2026

[Mst. Komal Shaikh Vs. Government of Sindh & others]

**PRESENT: Mr. Justice Zulfiqar Ali Sangi
Mr. Justice Ali Haider 'Ada'**

For hearing of Case

1. For orders on office objection.
2. For orders on M. A. No.3305/2026.
3. For hearing of Main Case.

Petitioner	:	Through Mr. Athar Abbas Solangi, Advocate
The State	:	Through Mr. Mohsin Ali Khan, Assistant Advocate General, Sindh along with Mr. Muhammad Sulleman Bhutto, Registrar, SABS University of Art, Design & Heritage, Jamshoro
Date of Hearing	:	20.08.2026
Date of Order	:	20.08.2026

O R D E R

ZULFIQAR ALI SANGI, J:- Through the instant Constitutional Petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the Petitioner, a final-year student of Fine Arts at Shaheed Allah Bukhsh Soomro (SABS) University of Art, Design & Heritage, Jamshoro, has called in question the legality and propriety of the “Not Recommended for Thesis” list dated 24.10.2025 and the subsequent eligibility/ineligibility attendance list dated 04.11.2025, whereby she was declared ineligible to proceed with her final thesis and examination on the ground that she had secured 64% attendance against the prescribed minimum requirement of 65%.

2. Learned counsel for the Petitioner contends that the Petitioner is at the final stage of completion of her degree and has been deprived of the opportunity to proceed with her thesis merely on account of an alleged shortage of 1% attendance. It is submitted that the attendance record maintained by the Respondent-University is neither consistent nor reliable and contains material discrepancies. According to learned counsel, the Petitioner and Ms. Aqeela Jan had identical absences, yet the Petitioner was shown to have 64% attendance, whereas Ms. Aqeela Jan was shown to have 65%. It is further alleged that Ms. Aqeela Jan is a close relative of Mr. Fazal Elahi Khan, Head of the Department of Fine Arts, and that the attendance of the said student was unlawfully enhanced. It is further contended that despite repeated directions issued by the learned Provincial Ombudsman, the Respondent-University failed to produce the complete and original attendance record. The learned Provincial Ombudsman, vide order dated 16.06.2026, consequently directed an internal inquiry. Learned counsel submits that the said remedy is neither efficacious nor adequate, particularly when the Petitioner's academic career is at stake and she is otherwise at the verge of completing her degree. It is, therefore, prayed that the impugned lists/actions be declared unlawful and the Petitioner be permitted to submit her thesis and appear in the final examination without any further delay.

3. Notices were issued to the Respondents. In order to ascertain the factual position and to ensure that the matter was examined on the basis of the original record rather than merely on the basis of assertions made by either side, the Registrar of Shaheed Allah Bukhsh Soomro (SABS) University of Art, Design & Heritage, Jamshoro, was directed to appear before the Court and produce the entire record relating to the Petitioner, particularly the original/manual attendance sheets pertaining to all subjects.

4. Today, Mr. Muhammad Sulleman Bhutto, Registrar, Shaheed Allah Bukhsh Soomro (SABS) University of Art, Design & Heritage, Jamshoro, is present pursuant to the Court's directions and has produced certain documents/attendance sheets, which are taken on record.

5. The learned Registrar submits that before the learned Provincial Ombudsman, the Respondent-University had taken the position that the Petitioner, having secured only 64% attendance, was not eligible to appear in the examination in view of the mandatory attendance requirement prescribed under the applicable University Regulations. It is further submitted that the allegation of discriminatory treatment is misconceived. According to the University, Ms. Kinza Batool was term-backed owing to shortage of attendance and did not appear in the relevant examination, whereas the case of Ms. Durr-e-Yakta was distinguishable, as she had attendance above the prescribed minimum and her shortage, if any, was condoned by the Vice Chancellor on valid medical grounds in terms of Regulation 10(ii). It is also contended that the University Act and Examination Regulations are publicly available and, being a final-year student, the Petitioner cannot plead ignorance thereof. The learned Registrar further maintains that the Preliminary Class Jury proceedings have no nexus with the mandatory attendance requirement, which constitutes a condition precedent for eligibility to appear in the examination.

6. We have examined the record produced before us, particularly the manual attendance sheets. The controversy, in the present case, is not merely confined to the question whether the prescribed attendance requirement is mandatory. Ordinarily, an academic institution is entitled to enforce its duly framed regulations, including attendance requirements, and this Court would not ordinarily interfere with academic matters merely because a student has fallen short of a prescribed percentage. However, where the very record on the basis of which such academic consequence has been imposed is itself shown to be doubtful, inconsistent or tainted by apparent mala fide, the matter assumes an entirely different constitutional dimension.

7. The attendance sheet available at page No.127 of the record requires particular consideration. The said document indicates that only eight students were present in the relevant class. However, against the name of Ms. Aqeela, her presence was subsequently reflected in such a manner that the total number of students shown present became nine. The material placed before us further indicates

that Ms. Aqeela is the daughter of the brother of Mr. Fazal Elahi Khan, Head of the Department of Fine Arts. The manner in which her attendance appears to have been recorded, coupled with the corresponding alteration in the total number of students present, raises a serious and legitimate question regarding the integrity of the attendance record.

8. Likewise, the attendance sheet available at page No.141 demonstrates that Mr. Shoukat Ali Khokhar was not available in the class and the attendance sheet was prepared by Mr. Fazal Elahi Khan. In the said sheet, the Petitioner was marked absent, although the surrounding material on record indicates that she was, in fact, present in the class. Similar discrepancies are also discernible from the attendance sheet placed at page No.143 of the petition.

9. More significantly, the attendance sheet available at page No.133 records the Petitioner, bearing No.22, as present. The said sheet bears the signature of Mr. Shoukat Ali Khokhar, who recorded that only eight students were present and specifically marked Student No.22 as present. The total number of students reflected at the bottom of the sheet also corresponds with the presence of eight students. However, notwithstanding the same, Mr. Fazal Elahi Khan subsequently reflected Student No.22, i.e. the Petitioner, as absent. Such inconsistent entries, appearing on the very attendance record produced by the University, cannot be brushed aside as a mere clerical error, particularly when the difference of only 1% attendance has the effect of determining the Petitioner's eligibility to proceed with her final thesis and examination.

10. Learned counsel for the Petitioner submits that if the aforesaid attendance entries are correctly accounted for, the Petitioner would cross the prescribed threshold of 65% and would consequently become eligible to proceed with her thesis and appear in the examination. The learned Registrar, who has appeared before us pursuant to the specific direction of this Court, has also produced the same attendance sheets and, significantly, has acknowledged that the record contains discrepancies and that the attendance sheets appear to have been tampered with/misrecorded. The said admission materially

strengthens the Petitioner's grievance and renders the impugned determination of her eligibility highly questionable.

11. It is a settled principle that an educational institution, particularly a public-sector university, is required to act fairly, transparently and strictly in accordance with its governing statute, regulations and principles of natural justice. Academic autonomy does not confer an unfettered licence upon any functionary to manipulate or selectively maintain academic records. The integrity of attendance and examination records is fundamental to the legitimacy of an academic process. Any action founded upon a record which itself suffers from apparent manipulation, inconsistency or mala fide cannot be permitted to prejudice the rights and academic career of a student.

12. We are conscious of the limited scope of constitutional jurisdiction in academic matters. In this regard, we have taken guidance from the judgment/order dated 15.07.2026 passed by the Honourable Federal Constitutional Court in *University of Karachi through its Registrar & others v. Dr. Feroz Alam Jafri & others*, wherein, inter alia, it was observed in paragraph 39 that public-sector universities are expected to act fairly and in accordance with their governing framework, while constitutional jurisdiction is attracted where the defect is patent, substantial and of such nature as to affect the legality of the process itself. It was further cautioned that constitutional jurisdiction should not ordinarily be converted into an appellate forum over academic selections.

13. The present case, however, falls within the exception contemplated by the aforesaid principle. The Petitioner is not seeking substitution of the Court's opinion for that of the academic authorities on a purely academic question. Rather, the challenge concerns the authenticity and legality of the very attendance record upon which the adverse academic decision has been founded. The record produced before this Court itself discloses material inconsistencies, contradictory entries and apparent preferential treatment. The issue, therefore, is not one of academic assessment but of fairness, transparency, institutional accountability and legality of the process.

14. Prima facie, the conduct attributable to Mr. Fazal Elahi Khan, Head of the Department of Fine Arts, Shaheed Allah Bukhsh Soomro (SABS) University of Art, Design & Heritage, Jamshoro, raises serious questions requiring an independent and impartial inquiry. If the attendance record of the Petitioner was deliberately altered or manipulated, or if attendance was selectively enhanced in favour of another student, such conduct would constitute a matter of grave institutional misconduct and cannot be permitted to remain without scrutiny. More importantly, no student can be made to suffer academically on account of an act or omission attributable to an official of the University.

15. In the circumstances, and particularly keeping in view that the Petitioner is a final-year student and that her academic career may otherwise suffer an irreparable setback merely because of a disputed shortage of 1% attendance, we deem it appropriate to protect her academic interest without prejudging the final merits of the controversy.

16. Accordingly, the Vice Chancellor, Shaheed Allah Bukhsh Soomro (SABS) University of Art, Design & Heritage, Jamshoro, is directed to constitute, within **07 days**, a committee comprising senior officers of the University who are not connected with the Department of Fine Arts or with the attendance record in question, for conducting a fair, impartial and transparent inquiry into:

- (i) the preparation and maintenance of the attendance record of the Petitioner;
- (ii) the discrepancies appearing in the attendance sheets referred to above;
- (iii) the alleged alteration, interpolation or manipulation of attendance entries;
- (iv) the circumstances in which the attendance of Ms. Aqeela was recorded and the corresponding total of students present was reflected;
- (v) the role, if any, of Mr. Fazal Elahi Khan and any other official/person responsible for preparation, verification or alteration of the attendance record; and

- (vi) whether, after taking into account the genuine and verified attendance entries, the Petitioner meets the prescribed attendance requirement.

17. The Committee shall afford reasonable opportunity of hearing to all concerned persons, examine the original attendance record and other relevant material, and submit a reasoned report to the Vice Chancellor within **30 days** from the date of its constitution. The Vice Chancellor shall thereafter place the matter, along with the inquiry report and recommendations, before the competent statutory forum/Syndicate of the University for consideration and appropriate action in accordance with law and the applicable University Regulations, if any misconduct or irregularity is established.

18. In the meanwhile, and without expressing any final opinion on the ultimate outcome of the inquiry or the instant petition, the Respondent-University is directed to **provisionally permit the Petitioner to appear in the final examination commencing from 31.08.2026 and to participate in the thesis/examination process**, subject to the final outcome of the inquiry as well as the instant Constitutional Petition. The University shall not deny her participation solely on the basis of the presently disputed 64% attendance, until the controversy regarding the authenticity and correctness of the attendance record is duly examined.

19. It is clarified that the permission granted herein shall not be construed as a declaration that the Petitioner has conclusively fulfilled the prescribed attendance requirement, nor shall it create any vested right in her favour beyond the protection granted by this order. Her ultimate entitlement shall remain subject to the findings of the inquiry and the final determination of this petition. At the same time, the Respondents shall ensure that the Petitioner does not suffer an irreversible academic loss during the pendency of the inquiry.

20. We further expect the Vice Chancellor and other competent authorities of the University to ensure that the original attendance record is preserved in its existing form and is not altered, replaced or otherwise interfered with during the pendency of the inquiry. Any

subsequent alteration in the record shall be duly explained and supported by contemporaneous material.

21. The matter is accordingly adjourned. The Registrar shall ensure compliance with this order and shall place before the Court the progress of the inquiry along with the compliance report on the next date of hearing.

To come up on **23.09.2026 at 11:00 a.m.**, for further proceedings and compliance.

JUDGE

JUDGE