

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
Const: Petition No. D-5637 of 2026

Date	Order with signature(s) of Judge(s)
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Fresh case.
1.For orders on Misc. No.23299/2026.
2.For orders on Misc. No.22105/2026
3.For hearing of main case

15th September, 2026.

Petitioner present in person.

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Muhammad Saleem Jessar, J.: Through this petition, petitioner has sought following reliefs:-

1. *DECLARE that the issuance of Student Fee Bill No. 80797 dated 01/08/2026 by Respondent No. 3, to the extent of premature fee enhancement and unallocated/double Activity Charges for Class KG-V, is illegal, unconstitutional, and contrary to Section 6(a)(ii) of the Sindh Private Educational Institutions (Regulation and Control) Ordinance, 2001 (as amended).*
2. *DIRECT Respondent No. 3 to recalculate the fee structure for minor Zain Abbas Kazmi (G.R. No. 001879) in strict conformity with statutory caps and refund or adjust the excess amount collected under protest in the upcoming fee voucher.*
3. *RESTRAIN & PROHIBIT Respondent No. 3, its administration, faculty, staff, or representatives from taking any adverse, coercive, discriminatory, or retaliatory action-including harassment, expulsion, suspension, withholding of results/documents, or academic victimization-against minor Zain Abbas Kazmi (G.R. No. 001879) during the pendency of this legal dispute.*
4. *DIRECT Respondent No. 2 to exercise its statutory powers under Section 15(2)(bb) to inspect Respondent No. 3, determine the exact date of legal fee approval, ensure protective compliance for minor students, and restrain Respondent No. 3 from levying non-tuition activity charges on Early Years/KG students where services are either not provided or are separately charged to parents.*
5. *GRANT any other relief that this Honorable Court deems fit and proper.*

We have heard learned counsel for the petitioner and have perused the material made available before us on record.

At the outset, a fundamental question regarding maintainability of instant petition arises for consideration. The jurisdiction conferred upon this

Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 is extraordinary and discretionary in nature and is exercised in accordance with the constitutional parameters prescribed therein. The petitioner invoking such jurisdiction must place before the Court the order, decision or action which is sought to be assailed, together with sufficient material enabling the Court to examine the legality, jurisdictional competence and propriety of such action.

In present case, despite reliefs couched in declaratory and mandatory terms, no order of any competent statutory authority or department has been placed on record which may be termed as the impugned order and against which the constitutional jurisdiction of this Court could effectively be invoked. Grievance of the petitioner essentially arises out of a fee bill allegedly issued by respondent No.3, a private educational institution. In absence of any decision/order of the competent statutory or public authority refusing, rejecting or otherwise determining the petitioner's grievance, there is no adjudicatory order before this Court the legality whereof can appropriately be examined in extraordinary constitutional jurisdiction.

It is settled that the constitutional jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 is not intended to substitute the statutory mechanism provided under the relevant law, particularly where the grievance requires factual determination, examination of the record, inspection of the institution or determination of the fee legally permissible to be charged. Such matters, in the first instance, are required to be placed before competent authority vested with relevant statutory powers.

The reliefs sought against respondent No.2 itself demonstrate that the petitioner expects competent department to exercise its statutory jurisdiction under relevant provisions of the Sindh Private Educational Institutions (Regulation and Control) Ordinance, 2001 (as amended), including inspection and determination of the legality of the fee structure. Until such statutory remedy is invoked and the competent authority passes an order or decision, the constitutional jurisdiction of this Court cannot ordinarily be invoked for the purpose of obtaining a first-instance factual determination.

So far as respondent Nos.3 and 4 are concerned, they have been described as private entities. No material has been brought on record at this stage to establish that particular action complained by the petitioner constitutes an exercise of public power or a statutory/public function by said respondents so as to make the impugned action independently amenable to the

extraordinary jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973. Mere impleadment of a private entity as a respondent does not, by itself, confer constitutional jurisdiction over such entity. Moreover, petitioner seeks, *inter alia*, a direction against respondent No.3 for recalculation of fee, refund/adjustment of alleged excess amounts and restraint against possible future coercive or retaliatory measures. These reliefs cannot appropriately be granted in absence of a determination by the competent statutory authority regarding applicable fee structure, the date of its approval, the legality of the Activity Charges and factual circumstances surrounding their levy. It is also noteworthy that the petitioner has not demonstrated that the competent statutory authority was first approached with a representation/complaint seeking redressal of the grievance and that such representation was declined or remained undecided, thereby giving rise to a justiciable cause for invoking the constitutional jurisdiction of this Court. The extraordinary jurisdiction of this Court is not ordinarily exercised where an efficacious statutory mechanism is available and has not first been invoked, particularly when adjudication of the controversy involves disputed questions of fact.

In view of foregoing discussion, we are of the considered view that instant petition, in its present form, is not maintainable under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973. No impugned order of a competent authority has been placed on record warranting interference by this Court, while the principal grievance relates to the acts of private respondents, which requires examination by the competent statutory department/authority. Consequently, instant Constitutional Petition, being not maintainable is hereby dismissed along with pending applications. However, petitioner is at liberty to approach the competent department/authority under the Sindh Private Educational Institutions (Regulation and Control) Ordinance, 2001 (as amended), by way of an appropriate representation/complaint for redressal of her grievance in accordance with law, if so desires.

Judge
Head of Const. Benches

Judge