

**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**

Present

**Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Adnan-ul-Karim Memon.**

C.P. No.D-1047 of 2018

Ghulam FatimaPetitioner
Vs.
Vice Chancellor, Peoples University of Medical
& Health Sciences for Women, Nawabshah & others.....Respondents

C.P. No.D-1134 of 2018

Ghulam FatimaPetitioner
Vs.
Vice Chancellor, Peoples University of Medical
& Health Sciences for Women, Nawabshah & others.....Respondents

Date of hearing 22.03.2019

Mr. Muneer Ahmed Rajper, advocate for petitioner.
Mr. Kamaluddin, advocate for respondents.
Mr. Allah Bachayo Soomro, Additional Advocate General, Sindh.
Professor Dr. Khan Muhammad Nangrejo, Controller of Examinations
PUMHS, Nawabshah.

ORDER

ADNAN-UL-KARIM MEMON-J: - Through the captioned petitions, the petitioner is seeking direction to the respondents to permit her to attempt exam papers for Special Supplementary in the subject of Pathology of 5th Semester Pharm-D at PUMHS, Shaheed Benazirabad.

2. Brief facts of the case are that the petitioner is currently studying in 7th Semester of D-Pharmacy at Peoples University of Medical & Health Sciences for Women (PUMHSW), Nawabshah (Shaheed Benazir Abad) and has submitted exam form for aforesaid Semester but respondents No.2 & 3 are not accepting her exam form on account of failure in the un-notified paper of Pathology for second last Semester i.e. 5th Semester and this was never notified to petitioner at any time and even her mark sheet was not displayed about her failure in the paper of Pathology. The petitioner had secured E-Grades in the theory and laboratory of subject Pharmaceutical Chemistry-III A (Pharmaceutical Analysis) and Pharma-cognosy-II A and E-Grade has Zero Value, however, petitioner applied for Re-sit examination, Respondents No.2

& 3 after scrutiny from record, issued admit card to her by verifying the record but respondents No.2 & 3 are reluctant to accord permission to petitioner to attempt papers as discussed supra. The Petitioner being aggrieved by and dissatisfied with the above action of the Respondents filed the instant Petitions on 20.04.2018 and 21.4.2018.

3. Notice was issued to the Respondents, who filed their para-wise comments and controverted the allegations leveled against them by the Petitioner.

4. Mr. Muneer Ahmed Rajper, learned counsel for the petitioner has argued that the denial of permission to attempt the papers for 5th Semester is in violation of her rights guaranteed under Articles, 4, 9, 14, 18, 25 (1) and 38 of the Constitution of Islamic Republic of Pakistan, 1973; that the petitioner is fully eligible to attempt papers of 7/8th Semester but she is not being allowed to attempt papers of 7/8th semester without any justifiable reason. Lastly he prayed for allowing this petitions.

5. We have considered the submissions of the learned counsel for the respective parties and have perused the material available on record.

6. We, are of the considered view that the issue in hand cannot be decided in Constitutional Jurisdiction of this Court and it is for the Respondent-University to decide the issue of the petitioner as per rules in order to safeguard her future.

7. In view of the forgoing, we are not convinced with the grounds furnished by the petitioner for allowing her to re-sit in the Semester unless her case is decided by the Respondent-University.

8. In the light of above facts and circumstances of the case, the instant Petitions are hereby disposed of in the terms whereby the competent authority of the Respondent-University is directed to decide the matter of the petitioner within a period of two weeks after hearing her with regard to re-sit in the examination of 5th Semester in paper of Pathology to complete her 5th semester to promote her in next semester in accordance with law.

9. The instant Petitions stand disposed of in the above terms along with the pending application(s).

JUDGE

JUDGE