

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
C. P. No.D-5057 of 2019

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DATE \_\_\_\_\_ ORDER WITH SIGNATURE(S) OF JUDGE(S)

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**Fresh case.**

1. For orders on Misc. No.22066/2019.
2. For orders on Misc. No.22067/2019.
3. For hearing of main case.

**Present:-**  
**Mr. Justice Muhammad Ali Mazhar**  
**Mr. Justice Yousuf Ali Sayeed.**

Dr. Shabana Majeed-----Petitioner

Versus

The Ministry of Health & others-----Respondents

**16.03.2020.**

Mr. Nisar Ahmed, advocate for the petitioner.

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**Yousuf Ali Sayeed, J** - The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution, seeking the issuance of a writ essentially as against the Aga Khan University Hospital Karachi ("**AKUH**") and its functionaries so as to declare that the Petitioner's absence from classes in the Masters in Health Policy & Management Degree programme had not been intentional, and to direct AKUH to allow her to attend classes in that programme till completion thereof.

2. From reading of the Petition, it transpires that the Petitioner had apparently been enrolled in the aforementioned programme at AKUH for the Session 2016-2018, but had been required to withdraw due to her Grade Point Average being below the required threshold. However, on appeal, she had then been invited to continue in the new session, with it being emphasised in the relevant email of 23.01.2019 that the minimum class attendance requirement was 75%. Apparently, the Petitioner had then nonetheless remained absent, with it being stated in the Petition that she had been unable to attend classes due to a pressing family exigency, which required her to proceed to and remain in Baluchistan.
  
3. On query posed, as to how a private university such as AKUH was amenable to the writ jurisdiction under Article 199 or how this Court could even otherwise make a determination and declaration that the Petitioner's admitted absence from classes was non-intentional, learned counsel was unable to put forward any cogent submission in that regard.
  
4. Under the given circumstances, it is apparent that the Petition is not maintainable, hence is dismissed *in limine*, along with the listed miscellaneous Applications, but with no order as to costs.

JUDGE

JUDGE