

**ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**

C.P. No. D- 1997 of 2011

DATE

ORDER WITH SIGNATURE OF JUDGE

5.4.2012

Mr. Atta Hussain Gadi Pathan advocate for

Mr. M. Arshad Pathan advocate for respondents a/w Mr. Muneer Ahmed Qureshi, Co-Ordinator Legal MUET, Prof. Dr. Tauha Hussain Ali Registrar MUET and Ali Gohar Turk Director Admissions MUET.

Through this petition the petitioner has prayed for following relief:-

- a. “That this Honourable Court directed to the Respondent No.1 to 3 for Given the admission on the basis of Rural Domicile & PRC of Taluka Bulri Shah Karim, District Tando Muhammad Khan, being declared as successful candidate as per merit list.
- b. That any other relief which is this Honourable Court may deem fit and proper be granted to the petitioner.

Brief facts leading to the case are that the petitioner is resident of House No. 27, Muhallah Qureshi, Mushterca Colony, Deh Dodi, Taluka Bulri Shah Karim, District Tando Muhammad Khan. The petitioner applied for admission in MUET Jamshoro on 6.9.2011 on Rural Domicile of Taluka Bulri Shah Karim district Tando Muhammad Khan and submitted application form on 8.9.2011. The petitioner appeared in pre-entry test on 23.10.2011 and passed the same. However, admission was denied to the petitioner on the ground that petitioner’s residence falls in Urban area. The petitioner approached respondent No.4 who issued another domicile and PRC to the petitioner of the same date stating therein that residence of the petitioner

falls in Taluka Bulri Shah Karim district Tando Muhammad Khan and such area falls in Rural Area.

Learned counsel for petitioner has submitted that initially the petitioner was issued PRC and domicile dated 10.11.2009 showing his place of residence in Taluka Tando Muhammad Khan which is an urban area. However, subsequently another set of domicile and PRC were issued to the petitioner by the same authority carrying the same date showing the place of residence of the petitioner in Taluka Bulri Shah Karim. Learned counsel submitted that during pendency of the petition the admissions have been closed and academic session has started but the petitioner has been running from pillar to post though no fault is attributable to him. He further submitted that petitioner is victim of circumstances and he may be ordered to be admitted in university. He further submitted that on 27.3.2012 ADC-1 appeared in court and filed comments and in para-5 thereof stated as under:-

“That as per revenue limits notified by the Board of Revenue, Deh Dodi is a part of Taluka Bulri Shah Karim but according to limits notified by Local Government Department, Mushtarka Colony is a part of city area Union Council NO.3, Tando Muhammad Khan City.

ADC-1 further submitted that as per limits notified by the Board of Revenue, Deh Dodi is a part of Taluka Bulri Shah Karim. In the circumstances prima facie it appears that place of residence of the petitioner falls in Rural Area.

On the other hand learned counsel for respondents submitted that admission had already been closed on 28.1.2012 and about 88% of the sessions has already gone. In the circumstances the petitioner cannot be accommodated. He further submits that for appearance in the annual examination a student must have attended the classes atleast 75% of the session. He further submitted that even if the petitioner is ordered to be admitted in the respondent university he will not be able to appear in examination due to short of attendance.

We have heard learned counsel for the parties and have perused the record.

Learned counsel for the petitioner submitted that he will not press for admission in the current session if petitioner is accommodated in the next session. However, petitioner may be exempted from appearing in pre-entry test which he has already passed. Learned counsel for respondent had stated before the court on 29.3.2012 that if the petitioner is willing to take admission in the next sessions, he will seek instruction from the concerned authority to accommodate the petitioner in the next session on the existing merit list. Today the Registrar of University and Director Admission of the university are in attendance. They have stated that they are ready and willing to accommodate the petitioner in the next session and also stated that petitioner shall not be asked to appear in fresh pre-entry test. However, they submitted that admission of the petitioner shall be considered on merits.

Learned counsel for petitioner says that he will not press his petition for seeking admission in the current sessions. However, he agrees on instructions that if case of the petitioner is considered by the respondent university without having the pre entry test he will be ready and willing to have admission in the next sessions. Accordingly by consent of the parties this petition is disposed of with directions to the respondent university to entertain the application for admission as and when new applications for admissions are invited for new sessions and petitioner will not be asked to have fresh pre entry test. However, his admission shall be as per merits.

In view of above, this petition stands disposed of.

JUDGE

JUDGE

Karar/-