

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

C.P. No.D-438 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For hearing of main case

12.01.2021

Mr. Taj Muhammad Khan Kaimkhani advocate for petitioner.

Mr. Kamaluddin advocate for the respondents along with Ghulam Mustafa Siyal, Controller of Examination, University of Sindh Jamshoro.

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The petitioner who, had appeared in the 3rd year LLB examination, is aggrieved by the decision of the 'Examination Discipline Committee' whereby all the seven (07) papers in which he had appeared were cancelled on the ground that he was found copying / cheating in Paper-III. It is urged that the above Committee did not provide any opportunity of hearing to the petitioner before taking the impugned decision. It is also urged that if the allegation against the petitioner was correct, which has all along been vehemently denied by him, even then only Paper-III ought to have been cancelled instead of cancelling all seven (07) papers. Since the entire future and career of the petitioner are at stake, we are of the view that a fair opportunity of hearing ought to have been granted to him by the respondents before taking any coercive action against him. Ghulam Mustafa Siyal, Controller of Examination, University of Sindh Jamshoro, who is present in Court, has no objection if the matter of the petitioner is decided afresh after affording opportunity of hearing to him.

By consent, the impugned decision of cancellation of all seven (07) papers of the petitioner is hereby set aside ; and, the respondents and the Examination Discipline Committee are directed to convene a meeting of the Committee within ten (10) days from today wherein a fair opportunity of hearing shall be granted to the petitioner and his matter shall be decided afresh. Let notice be issued to all the respondents for compliance.

The petition stands disposed of in the above terms with no order as to costs.

JUDGE

JUDGE

