

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. No.D-1591 of 2021

Date	Order with signature of Judge
------	-------------------------------

Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Amjad Ali Sahito.

Muhammad Ward & others.....Petitioners

Versus

Federation of Pakistan & others Respondents

Date of hearing 27.05.2021

Mr. Waqas Ahmed Khan advocate for the petitioners a/w Ms. Zaib un Nisa advocate.

Mr. Ahmed Ali Ghumro advocate for respondent No. 4 & 5.

Mr. Hussain Bohra, Assistant Attorney General.

Ms. Leela Kalpana Devi, AAG.

Athar Ali Awan, Deputy Director, Sindh Higher Education Commission.

Azhar Abro, Assistant Director, Sindh Higher Education Commission.

Dr. Zubair A. Shaikh, President/Vice Chancellor, Mohammad Ali Jinnah University.

Naveed Akthar, Deputy Registrar (Administration), Mohammad Ali Jinnah University.

Muhammad Ward, Petitioner No.1

Shahryar Mumtaz, Petitioner No.3

Muhammad Talal Kalwar, petitioner No.4

Osama Ahmed Qureshi, petitioner No.5

Toufiq Ahmed, petitioner No.6.

Petitioner No.2 is called absent.

Muhammad Ali Mazhar, J: All the petitioners have approached this court to challenge the expulsion letters dated 19.02.2021 issued by respondent No. 4 & 5 and they have also entreated for the directions against the respondent No. 4

& 5 to restore their enrolment/admission and allow them to appear in their respective semester examinations.

2. Notice was issued to the respondents. Learned counsel for the respondent No. 4 & 5 submitted reply in which it is articulated that petitioners committed some act of misconduct thereby hatched a defamatory campaign against the university through social media and also used abusive language to provoke other students. Hence they were called upon to explain their positions and the matter was placed before the disciplinary committee and after considering all pros & cons and providing fair opportunity to defend, the matter was referred to the disciplinary tribunal which decided to expel the petitioners.

3. During course of arguments, on some earlier date, learned counsel for the petitioners on instructions addressed that the petitioners have great remorse on their past conduct and they agreed to tender their written apology to the Vice Chancellor. On this point, we issued notice to the learned Vice Chancellor of the respondent No. 4 & 5 to appear. Today again in presence of the Vice Chancellor, the learned counsel for the petitioners as well as petitioners present in court voluntarily offered to tender unconditional apology provided their admissions/enrollments are restored by the university. The Vice Chancellor while taking a lenient view and on some sympathetic consideration as well as to save the career of the petitioners agreed and kind enough to accept the apology with further condition that after restoration of their enrollment/

admission if the petitioners will repeat such act of misconduct, the university will be entitled to expel them again immediately and cancel their admission/ enrollment. At this juncture, father of the petitioner No.1 requested that in case the petitioners do not want to continue their studies in the respondent No. 4 & 5 institution then the Vice Chancellor may be directed to issue transcript to such student for applying admission in some other institution. The Vice Chancellor categorically stated that if the petitioners want their transcript that will be issued by the university so that they may continue their studies in any other university, however, in the present scenario as agreed, let all the petitioners submit their written apology to the Vice Chancellor that will be signed by the petitioners and counter signed by the parents. The apology shall be tendered personally by the petitioners with the parents in the office of Vice Chancellor within a period of five (05) working days, thereafter, the admissions/enrollments of the petitioners will be restored forthwith as agreed by Vice Chancellor.

4. At this juncture, learned counsel for the petitioners made a request that due to expulsion, the petitioners have lost opportunity to appear in fall-2020 session, therefore, fees already paid by the petitioners may be adjusted for the next semester. The Vice Chancellor has given a very fair statement that after restoration of the admissions, the petitioners may apply individually and after filing applications, the same will be referred to the Financial Aid Committee of the institution

for sympathetic consideration and decision. By consent petition is disposed of accordingly along with pending application.

JUDGE

JUDGE

Aadil Arab