

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
C.P No. D-5002 of 2021

Date	Order with signature of the Judge
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1. For order on Misc. No.20481/2021
2. For order on office objection No. 18, 27 & 31
3. For order on Misc. No.20482/2021.
4. For hearing of main case.

**23.08.2021.**

Muhammad Iqbal Jahangiri, Attorney of Petitioners, in person.

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1. Granted.
2. Deferred.
3. Granted subject to all just exceptions.
4. The Petitioners, numbering 59 in all, apparently each pursued a three-year diploma programme in the Faculty of General Nursing at various Hospitals/Institutes situated in the province. Having made three unsuccessful attempts towards their examinations, they were disallowed further attempts by virtue of Rules 3.7 of the Pakistan Nursing Council. Whilst the Petition is silent as to when those attempts were made, the photocopies of the few enrolment/admit cards filed therewith all pertain to sessions falling between the years 2005 to 2014.

It is in this backdrop that the jurisdiction of this Court under Article 199 of the Constitution has been invoked by the Petitioners through their attorney, praying that Rules 3.7 be declared illegal and the Respondents be directed to grant them a 4<sup>th</sup> chance/opportunity to sit the relevant examination.

As it transpires, C.P No. D-1460 of 2019 had been filed by the attorney for such purpose *sans* the Petitioners, which came to be dismissed by a learned Division Bench of this Court on 10.03.2021 in the following terms:

“The petitioner is allegedly a human rights activist has filed this petition for directions against the respondents to allow the petitioner to appear in the examination. When we asked whether the petitioner is himself a student who is seeking directions against the respondents? He responded that he is not himself a student but he is espousing the case of some students who are not being allowed to appear in the Nursing examination.

2. Ms. Khair un Nisa, Controller of Nursing Examination Board submits that after availing three chances, there is no venue of fourth chance to allow any such students in the examination. Neither any college is party to this petition nor any individual petitioner has come to espouse his own case. The petitioner after arguing at some length does not want to press this petition which is dismissed as not pressed. If any individual student wants to come for the redressal of his grievances against a particular Nursing College he may approach to this court and file his own petition rather than filing the petition by the present petitioner without any locus standi”

Appearing before us, the attorney submitted that the Petitioners had now come forward for redressal of their common grievance in light of the aforementioned order. However, on query posed as to scope of Rules 3.7, he acknowledged that the same indeed limited the number of attempts in the manner that it had been applied to the Petitioners. On our further query as to how the Petitioners could then lay claim to a fourth attempt, he contended that exceptions had been made in the case of certain other persons whereby they had been accommodated, but conceded that such concession/accommodation, if any, constituted a transgression of the Rule. Needless to say, an earlier contravention cannot conceivably give rise to an enforceable right in favour of the Petitioners. As such, the Petition, being misconceived and devoid of merit, stands dismissed accordingly.

CHIEF JUSTICE

JUDGE