

IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-7213 of 2021

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Date

Order with signature of Judge

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Fresh Case:

1. For order on Misc. No.31558/2021 (Urgent/App)
2. For order on Misc. No.31559/2021 (Exemption/App)
3. For hearing of main case.

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22.12.2021

Mr. Aftab Hussain Khuharo, Advocate for the petitioner.

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1. Urgency granted.

2&3. The instant petition has been filed on the ground that the petitioner may be declared pass in the written test and the respondents may be directed to make correction in the question and answer paper.

At the very outset, the counsel was directed to satisfy the Court with regard to the maintainability of the instant petition, as how could a direction be issued to the respondents No.2 and 3 to declare the petitioner pass when admittedly he stood fail in the test. Moreover how a direction could be issued to the respondents no.2 and 3 for making correction in the question and answer paper when admittedly the same is based upon a particular method of assessment of the candidates appearing in the test. No plausible or satisfactory explanation in this regard is available with the counsel. On the face of it, this petition is found to be not maintainable, as no direction could be issued to the respondents No.2 and 3 for declaring the petitioner pass when he has failed, as the same is based upon a method of assessment being undertaken by the said respondents for conducting written test of the candidates appearing in the test. Moreover if there are some alleged corrections in the question and answer paper that require factual enquiry and the same cannot be done in a writ petition. The petitioner may avail other legal remedies as available to him under the law but the petition in the present form filed by the petitioner, in our view, is not maintainable and the same, therefore, stands dismissed in limine along with the listed application.

JUDGE

JUDGE