

**IN THE HIGH COURT OF SINDH,
AT KARACHI**

C. P. No. D-2142 of 2022

Present:

Ahmed Ali M. Shaikh, CJ
and Yousuf Ali Sayeed, J

Petitioner : Arooba Umer through Adnan
Ahmed, Advocate.

Respondents : Nemo

Date of hearing : 07.04.2022.

ORDER

YOUSUF ALI SAYEED, J. - The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution, assailing a letter dated 22.02.2022 issued by the Registrar, Jinnah Sindh Medical University, Karachi (Respondent No.2), declining her representation seeking that she be allowed to attend classes and sit the Supplementary Examination of MBBS (2nd Year) in furtherance of that Program.

2. The backdrop to the matter is that the Petitioner had apparently availed all four chances in the 2nd Year, and upon being declared failed on that score had filed C. P. No. D-5075 of 2021 before this Court seeking that she be provided a last attempt on humanitarian grounds.

3. That earlier Petition was disposed of on 10.02.2022 in the following terms:

“Learned counsel for the Petitioner submits that under instructions he does not press the instant petition as for redressal of her grievance the Petitioner wants to approach the Respondent No.2 Jinnah Sindh Medical University. Mr. Sial, learned counsel for Respondent No.2 undertakes that if a representation is preferred, the same will be considered in accordance with law and rules/policy well within a week.

In view of above, Petition stands disposed of alongwith listed applications.”

4. Thereafter, with reference to the aforementioned Order, the Petitioner apparently filed a Representation dated 17.02.2022, the Relevant paragraph of which sets out the grounds advanced by her and reads as follows:-

“That due to my domestic problems I could not properly devote my full time to the studies as my elder sister was divorced which not only upset my studies and I could not devote my full time in preparation of Second Year MBBS Examination. Furthermore, my father suffered an attack of Corona due to which I could not give full time to my studies and unfortunately I could not devote my full time to the studies which resulted in my not clearing the Second Year MBBS Examination.”

5. The Representation was declined vide the impugned Order, it being held that as the Petitioner had unsuccessfully availed all four chances in MBBS (2nd Year), hence, as per prevailing policy, she could not be allowed to sit in the Supplementary Examination.

6. From the very stance initially taken by the Petitioner in the earlier Petition, self-professedly being predicated on humanitarian grounds, as well as the content of the Representation subsequently made to the Respondent No.2, it is apparent that the Petitioner had admittedly availed all of her four chances. On query posed, learned counsel also conceded that this was so. As far as the prospect of any further opportunity being provided, we are firmly of the view that the matter falls squarely within the domain of the University and it is not for this Court to interfere in such a matter under the given circumstances. We are fortified in this assessment by the dicta of the Honourable Supreme Court in the judgment rendered in Civil Petition No. 3429 of 2021, captioned Khyber Medical University, etc. v. Ajmal Khan, where it was observed that:

“7. Raison d’etre of courts is to settle disputes, which come before them. It is not the constitutional mandate of the courts to run and manage public or private institutions or to mirco-manage them or to interfere in their policy and administrative internal matters. Courts neither enjoy such jurisdiction nor possess the requisite technical expertise in this regard. Courts should step in only when there arise justiciable disputes or causes of action between the parties involving violation of the Constitution or the law.”

7. In view of the foregoing, the case of the Petitioner is found to be misconceived and devoid of force, hence while granting the request for urgency, we dismiss the Petition *in limine* along with other pending miscellaneous applications.

JUDGE

CHIEF JUSTICE

Karachi.
Dated: