

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-2875 of 2022

Date	Order with signature of Judge
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PRIORITY.

1. For hearing of CMA No.12679/2022.
2. For hearing of main case.

27.10.2022.

Syed Ansar Hussain Zaidi, Advocate for the Petitioner.
Mr. Muhammad Tariq, Advocate for the Respondent No.1.

YOUSUF ALI SAYEED, J. - The case of the Petitioner is that he has completed all requirements forming part of the Academic Program of Executive Master of Business Administration offered by Institute of Business Administration, Karachi (Respondent No.1), however, has not been issued a Degree Certificate and Official Transcript despite having paid the requisite fee and his Student Ledger reflecting that no amount remains outstanding against him.

In that backdrop, the Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution eliciting a declaration as to his entitlement and issuance of consequent direction to the Respondent No.1 to issue the necessary Degree Certificate and Official Transcript.

As it transpires, the Petition has been met with certain objections raised by the Respondent No.1 through its parawise comments, reflecting that an amount of Rs.82,500/- remains payable by the Petitioner.

On query posed, learned counsel for the Respondent No.1 confirmed that other than the issue of such outstanding dues, there is no other impediment as to the issuance of the Degree Certificate and Official Transcript, and invited attention to the Student Ledger filed with the parawise comments, reflecting the aforementioned amount.

Conversely, learned counsel for the Petitioner refuted that such amount was payable and relied upon the Student Ledger filed along with the Memo of Petition, reflecting a zero balance.

Under the given circumstances, where there is a factual controversy involved as to whether such amount is payable, the present proceedings under Article 199 of the Constitution does not constitute an appropriate forum for determination of the matter and it would be appropriate for the Petitioner to raise his grievance before the Higher Education Commission through an appropriate application/representation, if so desired.

The instant Petition stands dismissed in such terms, alongwith listed application.

JUDGE

CHIEF JUSTICE