

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-5547 of 2023

Date

Order with signature of Judge

FRESH CASE:

1. For order on CMA No.25652/2023 (Urgent).
2. For order on office objection No.19.
3. For order on CMA No.25653/2023 (Exemption).
4. For order on CMA No.25654/2023 (Stay).
5. For hearing of main case.

Dated; 16th November 2023

Mr. Wahaj Ali Khan alongwith Mr. A. Rashid Rajar,
Advocate for Petitioners.

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1. Urgency granted.
 2. Learned counsel for the petitioner undertakes to comply with office objection before the next date of hearing.
 3. Exemption granted subject to all just exceptions.
- 4&5. Through instant Constitutional Petition, the petitioners, who claim to be the students of different years of MBBS (Bachelor of Medicine & Bachelor of Surgery) in Dow International Medical College, have expressed their grievance against respondent No.5, who according to learned counsel for the petitioners, are charging and insisting upon the payment of annual fees from the students/petitioners in U.S. Dollars instead of allowing the students/petitioners to make payment of annual fees in Pak Rupee. According to learned counsel for the petitioners, in the prospectus issued by the respondents No.4&5 for the purposes of seeking admission in Dow International Medical College, there has been no mention that the applicant or the student will have to make payment of annual fees in U.S. Dollars, however, an affidavit was obtained to this effect. It has been further contended by the learned counsel for the

petitioners that under Pakistan Medical & Dental Council Law, there is no provision, whereby, any Medical University or College can insist for payment of annual fees in a particular currency, therefore, such demand by the respondent No.5 is without lawful authority on the one hand and also increasing financial burden of the students keeping in view the rate of dollar, which has increased almost twice within last few months.

Learned counsel for the petitioners submits that similar controversy agitated through instant petition filed by some other students is already pending before this Court in C.P. No.D-3408/2023, wherein, Notices have been issued to the respondents and the comments have already been filed by the respondents, therefore, requests that notice of instant petition may be issued to the respondents and the office may be directed to fix instant petition alongwith aforesaid petition in a week, as according to learned counsel, respondents are not accepting examination forms of the petitioners, which are scheduled in the first week of December 2023.

Mr. Khaleeq Ahmed, D.A.G., who is present in Court in some other cases, waives notice of instant petition, claims its copy alongwith annexures and requests for time to file comments/reply. Let notices be issued to remaining respondents, to be served through first three modes, for 27.11.2023, when comments/reply, if any, shall be filed with advance copy to the learned counsel for petitioners. However, till next date of hearing, it is expected that respondents shall not take any adverse action against the petitioners.

ACTING CHIEF JUSTICE

J U D G E