

IN THE HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD

Constitutional Petition No.D-295 of 2023

Mr. Sajjad Ali Gopang, advocate along with the petitioner.
Mr. Allah Bachayo Soomro, Additional Advocate General Sindh.
Ms. Sehrish Ayoob Zardari, advocate for respondents No. 2, 3 & 5.

Date of hearing: 02.08.2023

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KHADIM HUSSAIN TUNIO, J- This petition has been filed by Arab Khan son of Muhammad Umar seeking appropriate writ against the respondents No. 2, 3, 4 and 5 to direct them to decide the study leave application forwarded by the petitioner dated 23.01.2023.

It was mainly contended by the advocate for the petitioner, Mr. Sajjad Ali Gopang, that the respondents have granted study leave to Dr. Muhammad Yousif Jakhrani working in the Department of Veterinary Surgery, but have discriminated against the petitioner in delaying to issue the same to the petitioner.

Ms. Sehrish Ayoob Zardari filed relevant documents pertaining to said University staff who had already been granted study leave with pay and has primarily contended that there is a shortage of regular faculty in the department; that the petitioner is working in and relieving the petitioner will affect the performance of the whole department. It was also contended that the petitioner is seeking to pursue higher education in a field that is not relevant to his job with the SBBUVAS.

Article 25(1) provides that all citizens are equal before the law and are entitled to equal protection of the law. This equality is not merely abstract justice, nothing opens up doors to arbitrary action so effectively than any official to pick and choose who they want to apply what rule to and then be allowed to escape retribution that ought to be dealt with by them had they applied the same rule to everyone. The two grounds raised by the respondents are firstly that there is a lack of teaching staff and second that the petitioner's studies are not in line with the field he



is hired to work in at the SBBUVAS. The ground regarding relevant field appears rather irrational and discriminatory when another teacher from the same university applied for leave to pursue PhD from the Sichuan Agricultural University of China, the university that the petitioner has joined as well, and was granted the leave. Even otherwise, the main field still remains veterinary and animal science based. Before us, it was also contended that this leave application needs to be handled by the Syndicate.

With the above observations, captioned petition was disposed of vide short order dated 02.08.2023 with directions to respondent No. 2 and the Syndicate of SBBUVAS as follows:-

"Heard. For the reasons to be recorded later on, this petition stands disposed of with directions to respondent No. 2 as well as Syndicate of University to decide the pending application of the petitioner for grant of study leave with pay within fifteen (15) days from today fully in accordance with law on merits after providing opportunity of hearing to the petitioner and submit such compliance report to this Court through Additional Registrar for perusal."

These are the reasons for the same.

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03-08-2023
JUDGE

[Signature]
JUDGE 82023

Date of reasons: 03.08.2023

Direction

- 1 For order on MA 8438/23 UH
- 2 For order on MA 8439/23 (withdraw)
- 3 For order on MA 7453/23 (Contempt)