

## THE HIGH COURT OF SINDH, KARACHI

**Present:**

Mr. Justice Yousuf Ali Sayeed

Mr. Justice Adnan Iqbal Chaudhry.

**Const. Petition No. D - 2350 of 2023**

[Awais Nabi versus Federal Urdu University & others]

Petitioner : Awais Nabi son of Yarbat Khan through Mr. Muhammad Abu Bakar Khalil, Advocate.

Respondents : Federal Urdu University of Arts, Science and Technology & 04 others through Syed Masroor Alvi, Advocate.

Date of hearing : 06-09-2023

Date of decision : 06-09-2023

### **ORDER**

**Adnan Iqbal Chaudhry J.** - The Petitioner has been denied admission to Pharmacy-D (evening program) of the Federal Urdu University of Arts, Science and Technology. He pleads discrimination as other applicants with lesser marks have been given admission. On the other hand, learned counsel for the University submits that those other applicants were preferred because they had cleared Intermediate Examination in the years 2022 and 2021, whereas the Petitioner had cleared Intermediate Examination in the year 2019, and the admission policy of the University was to give first preference to most recent Intermediates.

Be that as it may, it transpires that before approaching this Court, the Petitioner had made a similar complaint to the Wafaqi Mohtasib, and though a decision thereon was given around the time or just after the petition was filed, a copy thereof is produced by the University, not the Petitioner. That decision shows that after hearing both sides the Wafaqi Mohtasib was satisfied that the Petitioner was denied admission not for any maladministration, but in line with the University's admission policy. When confronted with that, and with

the remedy then available of a representation before the President under section 32 of the Establishment of the Office Wafaqi Mohtasib (Ombudsman) Order, 1983 read with section 14 of the Federal Ombudsmen Institutional Reforms Act, 2013, learned counsel for the Petitioner has no satisfactory answer. We are therefore not inclined to examine the matter under Article 199 of the Constitution when the Petitioner has not exhausted the remedy provided by special law. The petition is dismissed.

**JUDGE**

**JUDGE**

Karachi:  
Dated 06-09-2023