

IN THE HIGH COURT OF SINDH AT KARACHICP No.D-1813 of 2024

DATE **ORDERS WITH SIGNATURE OF JUDGE(S)**

PresentMr. Justice Aqeel Ahmed Abbasi, CJMr. Justice Abdul Mubeen Lakho, J

Fatima Ali versus Province of Sindh and others

Date of hearing: 30.04.2024.

Mr. Muhammad Sarfaraz, Advocate for the petitioner.

Mr. Meeran Muhammad Shah, Additional A.G.

Mr. Wasif Mirza, Advocate undertakes to file power on behalf of Respondent No.3.

ORDER

Through instant petition, petitioner Fatima Ali daughter of Dr. Shehzad Ali, resident of House No.K91S60/A Street No.02, Syed Mehmood Shah, Muhammad Ali Alvi Road, Lyari Town, Karachi, after having qualified the MDCAT Exams 2023/2024 and selected as successful candidate for the admission of MBBS by the Dow University of Health Sciences through provisional merit list, having obtained 84.695% marks, has expressed her grievance that inspite of having qualified to be given admission while issuing final fee challan after verification of Domicile and PRC of the petitioner, respondents are not allowing the petitioner to attend classes of MBBS 2023-24 Session and attempting to give the seat of the petitioner to someone else in violation of admission policy and 15 seats reserved for the residents of Lyari.

2. Pursuant to court Notice, Mr. Malik Waseem Iqbal, Advocate files vakalatnama and counter affidavit to the petition alongwith annexures on behalf of respondent No.5, which is taken on record and copy supplied to the learned counsel for the petitioner, who, after perusal of the same, submits that from the comments, and the report dated 27.2.2024 submitted by the Mukhtiarkar, Sub-Division Lyari, South Karachi, regarding verification of Domicile and PRC of the petitioner, copy whereof is annexed with the counter-affidavit filed today by the Respondent No.5, it is clear that the petitioner is the permanent resident and belongs to the jurisdiction of Lyari Sub-Division, Karachi South, and therefore, eligible to be given admission on the reserved 15 seats for residents of Lyari as per merit list for having obtained 84.695% marks.

3. Learned counsel for the Respondent while confronted with the above factual and legal position could not dispute the same, however, has attempted to argue that since on account of change of jurisdiction through Notifications issued from time to time by the concerned Deputy Commissioner relating to the Lyari Sub-Division, such anomaly has arisen whereas there is no malafides on the part of Respondents. However, from the perusal of record and the material placed before us it appears that there has been no change in the territorial limits of Lyari Town for the purposes of admissions on 15 seats reserved for residents of Lyari, whereas the Domicile and PRC submitted by the petitioner have also been duly verified by the Deputy Commissioner, Lyari Sub-Division, South Karachi. There is no dispute with regard to the eligibility of the petitioner, Fatima Ali daughter of Dr. Shahzad Ali, who has qualified the MDCAT Test while obtaining 84.695% marks, whose Domicile and PRC alongwith other

documents have also been verified by the concerned authority and there remains no impediment to give admission to the petitioner in MBBS 2023-24 Sessions on 15 reserved seats, as referred to hereinabove.

4. Accordingly, in view of the foregoing, instant petition is allowed and the Respondents are directed to give admission to the petitioner in MBBS-I and submit a compliance report within seven days through MIT of this Court. The pending Misc. Application stands disposed of in above terms.

Chief Justice

Judge

Naseem