

**ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.**

Constt: Petition No.D- 722 of 2024.

(Nadia Imam v. Vice Chancellor SMBBMU, Larkana & Ors)

DATE OF HEARING ORDER WITH SIGNATURE OF HON'BLE JUDGE

Before:

**Muhammad Saleem Jessar, J;
Adnan-ul-Karim Memon, J**

Date of hearing and Order: 12.3.2025.

Mr. Habibullah G. Ghouri, Advocate for the petitioner.

Mr. Liaquat Ali Shar, A.A.G assisted by Mr.Aftab Ahmed Bhutto,
Asstt: A.G.

Mr. Sarfraz Ali Abbasi, advocate for the respondents/University.

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ORDER

ADNAN UL KARIM MEMON-J.- Petitioner Nadia Imam, an MBBS student, is contesting the Shaheed Mohtarma Benazir Bhutto Medical University, Larkana's imposition of overseas student fees, submitting that she qualifies for local student rates.

2. The petitioner claims to be a bonafide local student at CMC Larkana and requests this court to invalidate the "overseas student" fee being imposed upon her. She demands to be charged the appropriate local student fees and seeks protection against any academic hindrance.

3. The petitioner's counsel contends that Nadia Imam was rightfully admitted to the SMBBMU MBBS program as a local student, having met all necessary qualifications, including a successful MDCAT score. She received official confirmation of her local student status and completed her first year without issue. However, the university has now inexplicably issued fee challans demanding payment at foreign student rates. This change in classification is entirely without basis. The university has presented no evidence whatsoever to support its claim that the petitioner is a foreign student. Therefore, the imposition of foreign student fees is unlawful and unjustified.

3. The university's counsel asserted that Nadia Imam's petition lacked merit. He argued she failed to secure a local merit seat, and instead willingly opted for a foreign reserved seat, as evidenced by her signed undertaking and initial fee payment. The university counsel contends she is now attempting to evade her financial obligations, which would negatively impact their revenue,

particularly as 22 students were admitted under this category. He presented evidence of her undertaking, payment, and the prospectus detailing the fees. Further, he highlighted her subsequent request for fee installments as proof of her initial acceptance of the foreign student status. He denied her claim to local merit fees and stated she had not acted with integrity. He requested the court dismiss her petition and award costs to the university.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. The university's MBBS program offers distinct seat categories: Overseas Pakistani (foreign education, SAT/TOEFL/IELTS scores, embassy verification), Reserved (presidential directives, foreign education with language requirements, government nominations), and UEAP (foreign nationals, qualification and language requirements, commission nominations). Vacant seats in all categories are filled by merit from designated university districts. Petitioner failing local merit criteria voluntarily accepted a foreign reserved seat, signed an undertaking, and paid initial fees. The respondent university cites prospectus fees in USD, contractual obligation, and revenue reliance from 22 similar admissions. They claim her current local status claim contradicts her prior agreement and misrepresents facts. It appears from the record that on November 18, 2024, the petitioner applied for fee installments. This application was then forwarded by the Vice-Chancellor to the Registrar and the decision is awaited. It appears from her letter that she asked to pay her second-year overseas MBBS fees in two installments, claiming financial difficulties.

6. Prima facie, this classification is protected in terms of law laid down in the case of Abdul Baqi v. Muhammad Akram (PLD 2003 SC 163), the Supreme Court clarified the interpretation of Article 25 (equality before law) of the Constitution, particularly regarding affirmative action in education. Article 25, when read with Articles 2-A, 22, and 37-C, allows for classifications that promote constitutional objectives, namely, merit-based higher education while accommodating disadvantaged groups for genuine equality. This aligns with the Balochistan High Court's view in Gul Khan v. Government of Balochistan (PLD 1989 Quetta 8), which recognized Article 22(4)'s empowerment of public authorities to advance socially backward classes. The Supreme Court reiterated principles from I.A. Sherwani v. Government of Pakistan (1991 SCMR 1041), emphasizing that: Equal treatment applies to similarly situated individuals. Reasonable classifications are permissible based on distinctions. Classifications must have: An "intelligible differentia" distinguishing grouped individuals from those excluded. A "rational nexus" to the classification's

objective. These principles were also supported by cases such as Government of Baluchistan v. Azizullah Memon (PLD 1993 SC 341) and Mehram Ali v. Federation of Pakistan (PLD 1998 SC 1445).

7. In view of the above, this court does not make a definitive ruling on the legality or appropriateness of the fees charged from the petitioner as a local student for OP seats, in this particular case. Because the petitioner applied for installments and acted promptly in seeking judicial recourse, she is entitled to have her applications processed. The respondent university is directed to facilitate the petitioner to pay her fees as per her application.

8. The Petition stands disposed of in the foregoing terms.

JUDGE

JUDGE

12/3/2005