

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

Constitutional Petition No.D- 351 of 2024.  
(Ms. Yasmin Khan v. P.O Sindh and others)

DATE OF HEARING ORDER WITH SIGNATURE OF HON'BLE JUDGE

**BEFORE:**

**Mr. Justice Muhammad Saleem Jessar.**  
**Mr. Justice Adnan-ul-Karim Memon.**

**Date of hearing & Order : 19.03.2025.**

Mr. Irfan Ali Kalhoro advocate a/w the petitioner.  
Mr. Oshaque Ali Sangi, Assistant Attorney General  
Mr. Irfan Ali Mirbahar, holding brief for Mr. Sarfraz Ahmed Abbasi,  
advocate for the respondents/University a/w Fahad Jibrán Siyal,  
Registrar, SMBBMU Larkana.  
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**ORDER**

**Adnan-ul-Karim Memon, J:-** Petitioner seeks the following relief;

- a). To hold and declare that the impugned decision dated 20.04.2024, is illegal, unlawful, unconstitutional, malafide, and in violation of principles of natural justice; consequently, to set aside the same.
- b). To direct respondent No.1 to constitute an inquiry committee to thoroughly probe into the matter and to give an opportunity of hearing to the petitioner to cross-examine the witnesses and to examine the material produced against her.
- c). Pending adjudication of the instant petition, the impugned decision dated 20.04.2024 may be suspended, and/or the respondents may be restrained from acting in furtherance of the impugned decision.

2. Petitioner, Dr. Yasmin Khan, with a PhD from the University of Malaysia, is contesting her termination from Shaheed Mohtarma Benazir Bhutto Medical University Larkana (SMBBMU). She alleges a complex conspiracy involving several university personnel. According to the petitioner, She was wrongfully accused following a fabricated sexual harassment incident. She was deliberately provoked and then forcibly drugged. She added that the university's inquiry was illegal and biased. She experienced verbal abuse and was falsely portrayed as mentally unstable. Her termination, based on this flawed process, was unjust. Dr. Khan seeks to have her termination overturned, requests a legitimate inquiry, and asks this court to annul the termination order.

3. The petitioner's counsel argues that while the petitioner was on a two-month leave, the respondents conducted an inquiry behind her back. Upon her



return, she was terminated without being given an opportunity for a personal hearing.

4. The respondents challenge the petition's validity, arguing that the petitioner should have appealed instead of filing a constitutional petition. They assert the university's lack of statutory service rules limits this court's jurisdiction, citing legal precedents. They emphasize Dr. Khan's termination occurred during her probationary period. While acknowledging her PhD, they maintain she breached service conduct rules. They also defend the inquiry committee's legitimacy, stating it was established by the Vice-Chancellor. They deny any conspiracy or forced drugging, instead accusing the petitioner of assaulting students, damaging property, and disrupting order. They state a proper inquiry found her guilty, a show-cause notice was issued, and the syndicate followed due process in terminating her services, citing her unsatisfactory probationary performance. They also provided a detailed account of the events leading to her termination.

5. We have heard the parties present in court and perused the record with their assistance and case law cited thereon.

6. After making submissions at length, Fahad Jibran Siyal, the Registrar of SMBBMU Larkana, stated in court that upon Dr. Khan's return from leave, a show-cause notice was issued on April 16, 2024. However, she did not respond, claiming she had not received it. He further explained that during her probationary period, concerns arose regarding her mental health, leading to her termination. He acknowledged that Dr. Khan was not given a personal hearing as required under Article 10 A of the Constitution. Consequently, he agreed that the case should be sent back to the Syndicate for a fresh decision, with the petitioner being granted a full opportunity for a personal hearing. The petitioner's counsel accepted the Registrar's proposal, which seems to be reasonable and acceded to.

7. This petition is concluded without addressing the case's details. The respondent university's syndicate is directed to conduct a new hearing for the petitioner, ensuring a fair and thorough opportunity to present her case. A decision regarding her employment must be made within two months of receiving this order, till then interim order passed earlier to continue.

JUDGE

JUDGE  
19/3/2025