

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Constitution Petition No. D-969 of 2025

Date	Order with signature of Judge
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Before;

*Mr. Justice Adnan Iqbal Chaudhry;
Mr. Justice Abdul Hamid Bhurgri.*

Petitioner : Dania daughter of Muhammad Hanif,
through Mr. Abdul Rehman Bhutto,
Advocate.

Respondents : P.O Sindh and others, through
Mr. Munawar Ali Abbasi, Assistant A.G.

Date of Hearing : ***12.03.2026.***
Date of announcement : ***14.04.2026.***
of order

ORDER

Abdul Hamid Bhurgri, J.- Through the instant Constitutional Petition, petitioner has sought the following reliefs:

- a) Direct the respondents to consider the case of petitioner being qualified and above marks percentage of other candidates.*
- b) Declare the act of respondents to pick and choice on the basis of politicians influence candidates from the petitioner null and void least qualified.*
- c) Grant any other equitable relief deemed fit and appropriate in the above stated facts and circumstances of the case.*

2. The case of the petitioner, as set out in the petition, is that respondents No.3 and 4 invited applications for admission to the Community Midwifery Training Course, Batch-17 for the academic session 2025–2027 through a newspaper advertisement. The petitioner, being an eligible candidate, applied for admission and, after fulfilling the requisite criteria, was called for interview. It is contended that despite securing 67.53% marks in Matriculation and 75.18% marks in Intermediate, she was not selected, whereas candidates having lesser marks were granted admission. It is further alleged that certain selected candidates were not eligible and that their testimonials were not properly scrutinized.

3. Notices were issued to the official respondents. Comments were filed on behalf of respondent No.5 as well as respondents No.6 and 7. During pendency of the petition, the petitioner was provisionally allowed to

attend classes vide interim order dated 28.10.2025, subject to the outcome of this petition.

4. Learned counsel for the petitioner contended that despite having secured higher marks than some of the selected candidates, the petitioner was denied admission due to political influence and arbitrary exercise of authority by the respondents. He further submitted that proper scrutiny of testimonials of selected candidates was not carried out. He, therefore, prayed that the petition be allowed.

5. Conversely, learned Assistant Advocate General Sindh, while relying upon the comments and the merit list placed on record, submitted that the petitioner could not secure admission as she failed to fall within the merit position. It was stated that the petitioner was placed at Serial No.37 in the merit list, whereas only 30 seats were available, and all selected candidates are presently attending classes.

6. We have heard learned counsel for the parties and perused the material available on record. It is an admitted position that the petitioner participated in the admission process and her name appeared at Serial No.37 in the merit list, whereas only 30 seats were available. The allegation of political influence and improper scrutiny of testimonials has remained unsubstantiated, as no material has been placed on record to support such assertions. Such disputed questions of fact cannot be adjudicated upon in exercise of constitutional jurisdiction under Article 199 of the Constitution.

7. It is by now well settled that matters relating to admission, determination of merit and academic policy fall within the exclusive domain of the competent authorities, and constitutional jurisdiction is not to be invoked to re-evaluate merit unless the process is shown to be arbitrary, discriminatory or violative of law. A writ can be issued only to enforce an existing legal right and not to create a right where none exists.

8. Reliance was placed on the judgment rendered by the Hon'ble Federal Constitutional Court in the case of ***Vice Chancellor SBBM University v. Altaf Hussain Soomro (F.C.P.L.A No.14 of 2025)***, wherein it has been held that no relief can be granted by Courts in absence of enabling

rules and that no right can be created dehors the prescribed framework. The principle emerging from the said judgment is fully applicable to the present case.

9. It may be clarified that the interim order dated 28.10.2025, whereby the petitioner was provisionally allowed to attend classes, was subject to the outcome of the petition and did not confer any vested or enforceable right. Upon dismissal of the petition, no benefit can be derived from such interim arrangement.

10. In view of the above, we are of the considered view that the petitioner could not secure admission as her merit position did not fall within the available seats, and no illegality, arbitrariness or mala fide in the admission process has been established to warrant interference by this Court in exercise of its constitutional jurisdiction. Accordingly, this petition fails and is dismissed, along with pending applications, if any. The interim order dated 28.10.2025 stands recalled.

JUDGE

JUDGE