

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

C.P No.D-762 of 2025

(Safdar Sadique Chandio V. Province of Sindh & others)

PRESENT: Mr. Justice Muhammad Saleem Jessar
Mr. Justice Nisar Ahmed Bhanbhro

Petitioner: Safdar Sadique Chandio
Through Mr. Javed Ahmed Soomro,
Advocate.

Respondents: Province of Sindh through
Secretary to Health Department
and others
Through Mr. Aftab Ahmed Bhutto
Assistant Advocate General, Sindh.
along with Tahir Ali Bhutto, on behalf
Director Nursing Sindh, Karachi &
Riaz Hussain, Principal
College of Nursing (Male), Larkana

Date of hearing: 03-09-2025

Date of Order: 17-09-2025

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ORDER

Nisar Ahmed Bhanbhro J.- Through the instant petition, the petitioner has claimed following relief:-

- a. This Hon’ble court may be pleased to declare the acts of respondents regarding cancellation of admission of BS Nursing Generic 04 years Degree Program, through office order dated 01-07-2025 on the basis of CNICs starts with digit -6, as illegal ab-initio, arbitrary and liable to be set-aside.
- b. This Hon’ble court may further be pleased to direct the respondents No.02 and 03 to restore the admission of petitioner in BS Nursing Generic 04 years degree program for session 2025-2028, having domicile of district Larkana, as petitioner since

forefathers are permanent residents of province of Sindh, earlier having domicile of Jacobabad and later on having domicile of district Larkana due to migration from Jacobabad to District Larkana.

- c. To grant injunction and direct the respondents No.01 and 02 not to fill seat of petitioner from waiting list, and restore the admission of petitioner to continue his studies as an interim relief, till disposal of this petition.

2. Mr. Javed Ahmed Soomro, learned counsel for the petitioner argued that the respondent No.2 announced admissions in BS Nursing Generic 04 years Degree Program for the session 2025-2028 (Male & Female) for public sector Nursing Colleges under the control of Government of Sindh. He argued that the selection of candidates was subject to passing the admission test through SIBA Testing Services (STS). He argued that the petitioner appeared in the test held on 04-05-2025 and as per result announced by SIBA Testing Services, he secured 85.28 marks in test results while securing 26th position in district Larkana. He argued that merit list was prepared for admission by College Nursing (Male) Larkana, the name of the petitioner was placed at serial No.41 of merit list out of 200 selected candidates. He argued that on 20-06-2025 the office of respondent No.3 issued admission letter to petitioner in BS Nursing 04 years Degree Program. He contended that the admission of the petitioner was cancelled vide office order/letter dated 01-07-2025, (**impugned order**) for the reason that he possessed CNIC starting with 6-digit code and not digit "4" allocated by NADRA for province of Sindh. He argued that the petitioner is meritorious person, who secured 26th position in Larkana district and 41 position in all districts merit list, but he is deprived of right to education under extraneous considerations. He argued that the admission policy violated the fundamental rights of the Petitioner, thus not sustainable under the law. He prayed to set aside the impugned order and restore the admission of the Petitioner.

3. Mr. Aftab Ahmed Bhutto, learned Assistant Advocate General, Sindh controverted submissions of learned counsel for the petitioner and argued that admission policy was framed to secure the interests of the people of province of Sindh. He contended that under the admission policy the candidate having CNIC from province of Sindh besides other qualifications was entitled to get admission.

He argued that the petitioner possessed CNIC of Islamabad, therefore, was not entitled for admission in province of Sindh. He prayed to dismiss the petition.

4. Heard arguments and perused material available on record.

5. Scanning of the record revealed that Petitioner was found eligible for admission in four-year BS – Generic Nursing Programme. He was admitted in the Nursing College Larkana, subsequently his admission was cancelled through office order dated 01.07.2025, solely on the ground that his CNIC started with a digit “6”, which did not pertain to province of Sindh. As per NADRA regulations the residents of province of Sindh are issued CNIC starting with digit “4”.

6. Under the policy making dominion of the executive, the health department government of Sindh framed the admission policy to four-year BS Generic Nursing Program to ensure that the people of province reap benefits of the admission policy. The admission policy was made public through public notice published in leading newspapers wherein it was mentioned that the candidates must upload scanned documents viz. matriculation certificate, intermediate certificate, CNIC “04” digit, FRC, Domicile, PRC (Sindh Province Only). The advertisement was issued pursuant to the admission policy dated 16.03.2025. clause 2 of the admission policy reads as under:

2. Domicile

Must be holding

Domicile, PRC from any District of Sindh Province

Other mandatory requirement: FRC (CNIC No representing Code Digit of Sindh Province – 4) by NADRA, family Tree and Father Domicile must be registered in Sindh.

7. We have examined the academic record and other documents submitted by the Petitioner along with the Petition. CNIC of the father of the Petitioner contains his permanent and present address that of Rato dero District Larkana. Father of the Petitioner was having old manual NIC as 405-77-108828 which represents the province of Sindh. The Petitioner and his father possess Domicile and PRC Certificates of District Larkana. Petitioner sought his Matriculation and Intermediate Education from the School and College within District Jacobabad and Larkana, but he was having his CNIC starting with digit “6” which pertains

to Islamabad. Admittedly, the code digit of CNIC represents the particular area where the person ordinarily resided but it was not evidence of his permanent place of residence.

8. The Admission Policy of Educational Institutions is framed to ensure transparency in the admission process. The Educational Institution being an independent identity, must be given fullest authority to devise policies, frame rules for admission. It is, therefore, best suited to leave the disciplinary, administrative and policy matters of educational institutions to the professional expertise of the people running them, unless of course there is a blatant violation of any of the fundamental rights or the law. Under the sphere of judicial review, the Court may review the lawfulness of a decision or action made by a public body. The Court may invalidate laws, acts, and governmental actions that militate the fundamental rights of the individuals guaranteed under the constitution. There are plethora of case laws, wherein Honorable Supreme Court of Pakistan has observed a reasonable restraint in policy matters of the educational institutions and Government policy.

9. The power of judicial review of a governmental policy pertaining to admission etc. under the writ jurisdiction of this Court conferred under article 199 of the constitution is now well-settled, in which neither the court can act or represent as an appellate authority with the aim of scrutinizing the rightness or aptness of a policy nor may it act as an advisor to the executives on matters of policy which they are entitled to formulate, but this can be sought when a decision-maker fails to observe statutory procedures, misdirects itself in law, exercises a power wrongly, improperly purports to exercise a power that it does not have, or the policy decision was so unreasonable that no reasonable authority could ever have come to it.

10. In the case of Secretary Economic Affairs Division, Islamabad versus Anwarul-Haq Ahmed reported as 2013 SCMR 1687 it was held that:

The educational institutions are independent to follow policy for admission including affairs relating to changing conditions for endowment funds or fee, either under the policy given by the government or adopted by the college; and interference in the policy by the Court is possible only in exceptional circumstances.

11. In the case of Murad Ali Khan versus Vice Chancellor, University of Health Sciences, Lahore reported as 2016 SCMR 134, it was held that:

It is a settled law that in matters of admission and examination in educational institutions, the University authorities concerned are the sole judges of the criteria laid down in the prospectus. The Courts in such matters desist from interfering due to the reason that it would create difficulties for the said institutions to run its affairs in an appropriate manner according to their rules and regulations

12. The Petitioner was admitted in the College of Nursing through letter dated 20.06.2025 on merits, which was withdrawn latter on through impugned letter dated 01.07.2025, solely on the ground of his CNIC containing digit 6 code of Islamabad. Since the Health Department has formulated the admission policy, which being policy matter fell outside the judicial purview of this Court. Therefore, the Court observes reasonable restraint to pass any order that may affect the admission policy of the institution and confine itself to the issue of cancellation of the admission of the Petitioner. Admittedly Petitioner fulfilled all the criteria fixed for admission. He passed entry test, he is permanently domiciled in province of Sindh, he was non-suited on account of his CNIC showing Islamabad code. The Petitioner has advanced a plausible reason of holding CNIC starting with Islamabad Digit Code of 6, as his father was employed in Capital Territory when NADRA Ordinance 2000 was promulgated and Registration Act 1973 was repealed. All the manual National Identity Cards were withdrawn and Computerized National Identity Cards were issued. Father of the Petitioner applied for issuance of Computerized National Identity Card from Islamabad therefore he was issued card with Islamabad digit code.

13. Right to seek education is a fundamental right of every citizen. It is undoubtedly the Education that brings a better tomorrow in life. The right which shapes future of youth cannot be snatched in an arbitrary manner. The Respondents were under an obligation to call upon the Petitioner for such ambiguity in his CNIC and should have afforded him an ample opportunity for necessary correction in the CNIC, but his admission should not have been cancelled, in an arbitrary manner. When confronted to this factual and legal position, Learned Assistant A.G failed to dispel that the Petitioner was permanent

resident of province of Sindh and was entitled to get admission in the Educational Institutions as a matter of right.

14. The Registration Authority of NADRA is empowered under section 10 of NADRA Ordinance 2000 read with Rules, 5, 6 and 7 of the NADRA Rules 2002 to make correction of the mistakes in the CNIC, which were not on the part of holder of CNIC. Section 10 reads as under:

10. National Identity Cards. – (1) *The Authority shall issue or renew, or cause to be issued or renewed, in such manner and on terms and conditions, subject to every citizen who has attained the age of eighteen years and got himself registered under section 9, a card to be called National Identity Card in such form, with such period of validity upon payment of such fee in such form and manner as may be prescribed:*

Provided that all cards issued under section 5 of the National Registration Act, 1973 (LVI of 1973), to such citizens as stood registered under section 4 of the said Act immediately before the commencement of this Ordinance shall be deemed to have been issued under this Ordinance and shall, subject to sections 17, 18 and 30 remain valid till such period as the underlying registration of the citizens to whom such cards are issued remains valid in terms of the first proviso to sub-section (1) of section 9:

Provided further that before issuing or renewing a card under this section, the Authority may require a person to surrender a National Identity Card earlier issued to him under this Ordinance or the National Registration Act, 1973 (LVI of 1973), or otherwise satisfy the Authority as to the factum of his having totally abandon the use of any such earlier card and, till such time as he surrenders such earlier card or otherwise satisfies the Authority as aforesaid, the Authority may not issue or renew a card.

(2) Notwithstanding anything contained in this Ordinance, all such National Identity Cards as are to be issued to a citizen under this Ordinance by means of a manual or computerized laser printing process (as applicable in the Districts of Islamabad and Rawalpindi) shall not be issued for a period of validity beyond two years after the commencement of this Ordinance, or such longer or shorter period as may be notified by the Federal Government with a view to promoting uniformity, authenticity and technological advancement in the registration for and issuance of National Identity Cards.

15. Provisions of above law make it crystal clear that the NADRA can renew the card and under the subordinate legislation through NADRA Rules, the Registration Officer has been authorized under Rule 5, 6 & 7 to rectify such errors or mistakes on the part of NADRA. Since the father of Petitioner had shown his permanent and temporary place of residence of province of Sindh, therefore, it was incumbent upon NADRA to issue CNIC in favor of Petitioner's father and Petitioner himself with a digit representing Sindh Province.

16. The Petitioner on account of his Permanent Residence Certificate (PRC) of Sindh and CNIC having starting digit of Islamabad may get defeated in future too and may not be able to get job in government sector or admission in any other educational institution. This mistake on the part of NADRA though not intentional has hampered the fundamental rights of the Petitioner as to right to be dealt in accordance with law education, job enshrined under article 4, 9, 18, 25-A and 27 of the constitution. This mistake if not corrected may hamper the progression of petitioner in future and may deprive him of the right to higher education and right to adopt profession. This Court is the custodian of the fundamental rights of the citizens, to ensure the protection of rights of the individual this Court is empowered to pass appropriate orders to secure the ends of justice.

17. For What has been discussed herein above a case for indulgence by this Court for exercise of powers of judicial review conferred under article 199 of the Constitution of the Islamic Republic of Pakistan of 1973 is made out. Consequently, this Petition is allowed in the following terms:

i. The officer order dated 01.07.2025 issued by the Principal College of Nursing (Male) Larkana is declared as perverse, illegal, ultra vires the provisions of law and set aside. The admission granted to the Petitioner vide letter dated 20.06.2025 is declared valid and Petitioner shall continue his degree program. On successful completion of degree program in accordance with rules and law, he shall be awarded degree.

ii. The Petitioner shall approach the NADRA authorities for rectification of the error of province code in the CNIC, within a period of Ten days of the date of this order. Once approached the Regional Director NADRA Larkana shall surrender the present CNIC of the Petitioner and will issue him a fresh CNIC starting with Sindh Province digit code within a period of one month from today.

Petitioner on issuance of fresh CNIC shall submit the same in the office of Respondent college for the purposes of maintaining the record.

18. The Petition stands disposed of in above terms. Office shall send the copy of this order to the Respondents and Regional Director NADRA Larkana for compliance.

JUDGE

JUDGE

Asghar/P.A

Approved for reporting

Dated: 17.09.2025

Larkana