

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA  
Constitutional Petition No. D-939 of 2025

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
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**BEFORE:**  
*Mr. Justice Muhammad Saleem Jessar,*  
*Mr. Justice Nisar Ahmed Bhanbhro,*

Petitioner : Nadia Imam d/o Imam Bakhsh Bajkani  
through Mr. Habibullah G. Ghouri, Advocate.

Respondent No.1: Mr. Liaquat Ali Shar, Additional Advocate General, Sindh.

Respondent 2-5 : Through Mr. Sarfaraz Ali M. Abbasi, Advocate  
alongwith Professor Dr. Kouromal, Controller of  
Examination, Dr. Fahad Jibran Siyal, Registrar SMBBMU,  
Larkana and Dr. Abdul Hameed Lanjwani, Assistant  
Professor, C.M.C. Larkana.

Date of hearing : 02.10.2025

Date of Decision : 02.10.2025.

**ORDER**

**NISAR AHMED BHANBHRO, J.** Through the instant Petition, the Petitioner has claimed following relief(s):

- a. That this Honourable Court may graciously be pleased to issue a writ directing the respondents to constitute an independent committee for the purpose of re-checking of paper of biochemistry + Community Medicine of the petitioner for second professional MBBS Supplementary Examination Sessions, 2022-2023 held in the month of June, 2025 and also conduct the viva-voce of the petitioner for the same and declare the result accordingly.
- b. To issue a writ of prohibition restraining respondents from creating harassment for the petitioner and discriminating with petitioner due to the grudge and bias of filing earlier petition.

2. Learned counsel for the petitioner contends that the petitioner is a student of M.B.B.S, studying in Chandka Medical College, Larkana, Shaheed Mohtarma Benazir Bhutto Medical University, Larkana (SMBBMU) under the Overseas and Foreign National Quota. The petitioner had earlier filed C.P.No.D-722/2024, seeking directions against the University to facilitate the petitioner to pay her fees

as per request made by the petitioner on instalment basis. He submits that the petitioner appeared in the Annual Examination for Session 2022-23 held in February, 2025 and as per the result she has been declared failed in Biochemistry and Community Medicine by awarding 40.68 marks out of 100. He further submits that the petitioner filed application for re-checking, but she was informed that her marks were correct and no error was detected therein. Counsel submits that the petitioner was under continuous harassment by the University administration. Per counsel in subjects of Anatomy, Biomedical Ethics, Physiology and Information Technology petitioner had obtained more than 60% marks, but she has been deliberately failed in Biochemistry and Community Medicine.

3. Learned counsel for Respondents No.2 to 5 vehemently opposed the petition and contended that in all fairness the petitioner could not qualify the examination, therefore, she was declared failed; hence, no case for indulgence is made out.

4. Heard arguments of the counsel for the parties and perused the material made available before us.

5. Since the serious prejudice and allegations of harassment were levelled by the petitioner, therefore, the concerned Examiner of the University was called in person in Court, wherein he categorically stated that in a questionnaire containing 15 marks, petitioner secured 11 marks. As far as viva-voce is concerned, he was not part of the same.

6. Perusal of the record, coupled with the submissions of the Examiner of theory paper and the result of other papers manifests that the petitioner was a brilliant student having secured almost 70% marks in other subjects and as per the contention of the Examiner in theory subject of Biochemistry + Community Medicine she has obtained more than 80% marks, therefore, giving less marks in the interview is incomprehensible and less support to the contention of the respondents.

7. In the given circumstances, we are of the considered view that the petitioner should be given an opportunity of viva-voce before another expert. We, therefore, nominate Dr. Abdul Hameed Lanjwani, Assistant Professor, C.M.C, Larkana and Dr. Fahad Jibran Siyal, Registrar, Shaheed Mohtarma Benazir Bhutto Medical University, Larkana as Interview Panel to conduct the viva-voce of the petitioner for Biochemistry + Community Medicine on Saturday 04.10.2025 at 11:00 a.m. in the office of the Registrar of the University and furnish result of her viva-voce

marks to the Controller of Examinations, Dr. Kouromal, who shall incorporate these marks in the result sheet of the petitioner and issue a fresh transcript/marks sheet in her favour.

8. It is made clear that this order has been passed looking at the particular facts and circumstances of the instant case and it shall not operate as an order in rem as the University Laws to not allow for conduct of any special examination from the students and such law shall remain in the field.

Petition stands disposed of in the above terms. Office is directed to send copy of this order to the Registrar, SMBBMU, Larkana through fax today and the Registrar is directed to furnish compliance report to this Court through Additional Registrar by Tuesday, 07.10.2025.

**Judge**

**Judge**

Manzoor