

IN THE HIGH COURT OF SINDH AT KARACHI  
C.P. NO.1156/2014

Present: MR. JUSTICE MUHAMMAD ALI MAZHAR  
MR. JUSTICE SYED SAEEDUDDIN NASIR

Petitioner ----- Masooma Ansari Through Mr. Ghulam Nabi  
Shar, Advocate

Respondents----- Province of Sindh and others through  
Mr. Sibtain Mehmood, AAG.  
Abdul Jabbar, ADC-1 Malir.  
Dr. Amir Ali, Vice Principal.

Date of hearing: 29.11.2016  
Date of judgment: 29.11.2016

**JUDGMENT**

**MUHAMMAD ALI MAZHAR, J:** The case of the petitioner is that she appeared in NTS for admission in Shaheed Mohtarma Benazir Bhutto, Medical College, Lyari, Karachi for the Academic Session 2013. NTS was held on 27.10.2013 and the petitioner obtained 67.807 marks and her name was at Sr. No.8 of the Merit List of Gadap Town, Karachi. The Domicile and P.R.C of the petitioner are also available on record at pages 37 to 39 showing her place of Domicile Malir, Gadap Town, Karachi. She was allowed admission in the College in the month of November, 2013. However, on 13.02.2014, a letter was issued to the petitioner by the Principal/ Project Director, Shaheed Mohtarma Benazir Bhutto Medical College, Lyari, Karachi alleging that on verification of her Domicile from the office of Assistant Commissioner, Sub-Division, Gadap, District Malir, her residential address does not fall within the limits of the defunct Gadap Town. As the petitioner was already allowed

admission and she was attending the classes, therefore, she approached this Court through this petition and vide interim order dated 10.03.2014 a learned Division Bench of this Court was pleased to allow her to attend the classes subject to payment of usual fees/charges. The petitioner has impugned the letter dated 13.02.2014 on the premise that her Domicile and PRC clearly reflect her proper address and in the presence of these two documents, no further verification was required except to the genuineness of Domicile and PRC.

2. Learned counsel for the petitioner argued that there is no allegation that the Domicile and PRC are forged documents. It is further contended that the petitioner has completed almost six Semesters and only four Semesters are left and if at this belated stage her admission is cancelled, it will cause great hardship and prejudice to the petitioner.

3. Learned AAG argued that the Domicile and PRC are genuine documents in which the residential address of the petitioner is clearly mentioned which falls within District Malir, Gadap Town. He is also of the view that the respondent No.5 has placed nothing on record to show that the PRC and Domicile are forged documents. We have also seen the report of Assistant Commissioner, which is attached with the Counter Affidavit of the respondent. This report shows that the Assistant Commissioner, Sub-Division, Gadap Town, District Malir has not mentioned anything with regard to authenticity or genuineness of the Domicile and PRC but he simply stated that

according to the report of the Supervising Tapedar, the address of the petitioner does not fall within the limits of defunct Gadap Town. The Addl. Deputy Commissioner, Malir present in Court submits that according to their office record, the Domicile and PRC were validly issued and the report of the Assistant Commissioner does not indicate the exact date when Gadap Town was declared defunct.

4. It is a matter of record that the petitioner was allowed admission on merits after complying with requisite formalities. The respondents have not pleaded that the Domicile or PRC is forged. The petitioner has completed six Semesters. If at this stage her admission is cancelled, no other candidate could join the College from sixth semester. The Assistant Commissioner stated that Gadap Town was declared defunct but no date is mentioned. In view of valid Domicile and PRC issued by the competent authority the cancellation letter in our view is unjustified and vexatious and cancellation of admission after completing sixth Semester will cause severe hardship and prejudice to the petitioner.

5. As a result of the above discussion, the cancellation letter of admission issued by the Respondent No.5 on 13.02.2014 is hereby set aside. The petition stands disposed of in the above terms with pending application.

JUDGE

JUDGE