

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

C.P.No.D-6270 of 2014

Date

Order with signature of Judge

Hearing of main case.

25.05.2018

Mr.Qaiser Jamil, Advocate for the Petitioner.
Mr.Masroor Alvi, Advocate for Board of Secondary Education
Karachi (Respondent Nos.1 and 2).

The petitioner has prayed for the directions against Board of Secondary Education Karachi to correct the name of the petitioner as 'Muhammad Raees" instead of "Muhammad Riaz" in the educational testimonials. Learned counsel for the respondent Nos.1 and 2 pointed out that for the same cause the petitioner filed Civil Suit No.679 of 2012. Copy of judgment is attached with this petition at page-39 of the court file. On dismissal of the suit he filed Civil Appeal No.145/2013, which was also dismissed. Learned counsel for the respondent Nos.1 and 2 argued that this petition is not maintainable and the proper remedy was to file revision application if the petitioner was aggrieved by the appellate order. Learned counsel for the petitioner argued that the issues were framed in the suit, but it was dismissed under Order 17 Rule 3 CPC for want of evidence as nobody was present for the plaintiff. After filing appeal it was also dismissed on the point of limitation, but he submits that the career and future of the petitioner is at stake only because of this ministerial error in the educational testimonials.

We are agreed with learned counsel for the respondent Nos.1 and 2 that the petition is not maintainable. After judgments of the civil court and the appellate court, which reflect that the petitioner was

not vigilant in pursuing remedy and also failed to produce any documentary evidence resultantly the suit was dismissed under Order 17 Rule 3 CPC for want of evidence, but at the same time we are fully cognizant that this is a matter of documentary evidence that can be produced before the concerned Department of respondent No.1, where the entire antecedents/credentials of the petitioner may be examined and if the petitioner is able to make out his case then we leave it to the discretion of the respondent No.1 to decide the matter sympathetically. Learned counsel for the Board of Secondary Education Karachi concedes that if the entire documentary evidence is produced with all other requisite formalities the concerned Department of the respondent No.1 will decide the matter in accordance with law.

The petition is disposed of accordingly.

Judge

Judge

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