

**IN THE HIGH COURT OF SINDH, AT KARACHI**

**C.P No. D-415 of 2015**  
**CMA No.14033/2015**

Present: Mr. Justice Sadiq Hussain Bhatti  
Mr. Justice Adnan-ul-Karim Memon

Mst. Benish Sajid .....Petitioner

Versus

The Province of Sindh and others ..... Respondents

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**Date of hearing: 18.10.2017**

Petitioner present in person.  
Mr. Abdul Jalil Zubedi, AAG  
along with Mr. Moazam Ali Mari,  
Additional Secretary (Endowment)  
College Education department.

**ORDER**

**ADNAN-UL-KARIM MEMON, J:-** The instant Petition was disposed of by this Court vide Order dated 25.05.2015 with the following observations:-

“ The petitioner has approached this court for the grant of endowment funds and scholarship. She is studying in Al-Tibri Medical College (ISRA Medical University). Initially her name was mentioned in the list of students for grant of endowment fund, but subsequently her name was deleted from the list. It is further stated that a meeting of selection committee is going to be convened on 28.05.2015 and onwards. In order to avoid any further controversy, the Additional Secretary present in person agreed that the name of the petitioner will be entered in the list of candidates for consideration before the Selection Board constituted for awarding scholarship and if she is found eligible she will be allowed one year college fee from the endowment fund. He further submits that the petitioner may be directed submit salary certificate of her father. The petitioner is directed to submit copy of

salary certificate for her father to the Additional Secretary within two days with her application for the grant from endowment fund. On the basis of undertaking given by the Additional Secretary, the petitioner and her counsel are satisfied. The petition is disposed of accordingly. Counsel for the petitioner at this stage submits that the petitioner also claims her first year fee from the endowment fund for the year 2013. According to Additional Secretary, at present there is no meeting of the 2013 fund, however, if the petitioner has any grievance she may approach them and her request will be considered in accordance with law.

2. On 29.05.2015, Petitioner filed listed application bearing CMA No. 14033/2015 prayed therein that to direct the college principal to continue her classes unless her fees deposited by the Additional Secretary (Endowment) as he has already given undertaking before this Court vide order dated 25.05.2015.

3. Petitioner, who is present in person, has contended that in compliance of the order dated 25.05.2015, passed by this Court, whereby the Respondent renewed the case of petitioner for scholarship and paid her second year fee from Endowment Scholarship Fund; that due to certain reasons, the petitioner failed to maintain the require percentage i.e 60% for renewal of her scholarship for academic year 2015 and onwards; that the Respondents without issuance of public notice, they have changed the criteria policy for renewal of Sindh Endowment Scholarship that the student shall achieve GPA 2.5/ 60% same is in violation of law and discriminatory; that the Respondents have allowed one student Usama Rajput whose GPA is below 2.5 but he has been awarded Endowment Scholarship in violation of their own policy if any, but the Petitioner has been deprived to continue her studies; that the candidates, who were awarded scholarship in last five years from ISRA College/ University, whose father / Guardian have

manipulated the things in connivance with Respondents and obtained Endowment Scholarship, the same can be proved if the comments of successful candidates be called from the concerned college/ University; that in the advertisement published in the various newspapers there was no requirement of percentage of GPA for renewal of Scholarship ; that the Endowment Officer are illegally involved in the scam, by increasing annual income mentioned in the advertisement every year, by misusing their power and authority so that they could accommodate students of their own choice; that the Petitioner is divorced, having two minor children and fully dependent on her father and current salary of her father is Rs. 30,000/- per month unable to meet the expenses /fee of ISRA University; that the University has issued Examination schedule commencing from 23.10.2017. Petitioner states that if fees if not paid within time she will be unable to sit in the examination. She lastly prays for allowing her to continue her study in fourth year MBBS Al-Tibri Medical College in ISRA University Karachi Campus Malir, Karachi.

4. This Court vide order dated 09.10.2017, issued notice to the Respondents as well as Advocate General, Sindh to call Additional Secretary (Endowment) College Education Department, Government of Sindh along with relevant record.

5. Mr. Abdul Jalil Zubedi Assistant Advocate General Sindh has filed statement dated 18.10.2017 and argued that Petitioner was granted Endowment Fund Scholarship for Academic year 2013, on 02.07.2015, with the condition that she will submit the salary certificate of her father as per directions of this court on

25.05.2015; that on submission of salary certificate petitioner was allowed endowment Scholarship as fresh case; that as per approval of Board of Trustees, Sindh Educational Endowment Funds, a meeting was held on 15.02.2016 under the Chairmanship, Board of Trustees / Senior Minister for Education and Literacy Department whereby it was decided that all the students including petitioner were allowed renewal for the Academic year 2014; that the Board of Trustees in its meeting also approved the criteria / policy for renewal of Sindh Endowment Scholarship that the student shall achieve GPA 2.5 / 60% (whichever is applicable to Institute) for renewal of Scholarship for Academic year 2015 and onwards. Learned AAG points out that petitioner has failed to maintain the required percentage i.e. 60% therefore she was not allowed further renewal for the Academic year 2015. Per learned AAG, Petitioner's mark-sheet showing low percentage i.e. 51%. He further asserted that this is a policy matter and the Board of Trustees has set-forth the criteria that the students, who achieve GPA 2.5 are eligible for further renewal. He lastly prayed that the listed application, being devoid of any merit, may be dismissed.

6. We have heard the Petitioner in person, learned AAG and carefully perused the material available on record.

7. A perusal of order dated 25.05.2015 explicitly reveals that the instant petition was disposed of with the condition that if the petitioner has any grievance, she may approach the Respondents and her request will be considered in accordance with law. As per record petitioner was granted Endowment Fund Scholarship for the Academic year 2013 and 2014, however the Board of Trustees

Sindh Educational Endowment Fund decided to enhance the illegibility criteria for the students, by introducing a policy that if the students, who achieved 2.5 GPA are eligible for further renewal. Petitioner admits that due to the reasons of late payment to the concerned University by the Respondents she could not attend her classes, therefore, her percentage is low than the criteria of percentage newly introduced by the Respondents, which is reflected from the provisional marks certificate issued by ISRA University Karachi Campus (Al-Tibri Medical College) i.e. 51% though the requirement is 60% for renewal of Scholarship for Academic year 2015 and onwards.

08. Additional Secretary Endowment present in Court makes categorical statement that besides the petitioner there are other candidates, who have failed to achieve GPA 2.5 have not been allowed for renewal for scholarship for Academic year 2015, therefore the petitioner has not been discriminated.

09. We are of the view that the order dated 25.05.2015 has been complied with by the Respondents in its letter and spirit. The policy clearly spells out that every student who applies for renewal Sindh Endowment Scholarship Fund is required to achieve GPA 2.5/ 60% marks for renewal of his/her scholarship. Since the petitioner fails to achieve the target as per newly created policy, therefore, she cannot claim her vested right to be granted Endowment Scholarship for the Academic year 2015. In the present matter there is a policy decision of the Government which does not warrant interference by this Court. On this proposition, the decision rendered by the Hon'ble Apex Court in the case of Ghulam Rasool vs. Government of Pakistan & others

(PLD 2015 SC 6) is very much clear, which enunciates the principle of law. Petitioner also fails to make out her case on discrimination.

10. Crux of the above discussion, at this juncture, we are of the view that the petitioner has failed to make out a case, which requires interference of this Court; that as per policy/criteria introduced by the Respondents that every student shall be entitled for renewal of his/her scholarship, who achieved at least 2.5 GPA/60% marks in the academic year 2015 and onwards; however, it is an admitted fact that Petitioner could not maintain the required GPA/percentage i.e. 60%, therefore, the listed application bearing No.14033/2015, having no merits for consideration, is hereby dismissed.

JUDGE

JUDGE

**Shafi P.A**