

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Const. Petition No. D-8806 / 2018

ORDER WITH THE SIGNATURE OF THE JUDGE

Present:

**Mr. Justice Muhammad Ali Mazhar, J.
Mr. Justice Agha Faisal, J.**

1. For order on Misc. No. 38720/2018
2. For order on Misc. No. 38721/2018
3. For hearing of main case.

20.12.2018

Mr. Manzoor Bashir, advocate and Mr. Abdul Qayoom Jogi, advocate for the petitioners alongwith petitioners Siraj Ahmed and Muzafar Ali.

Ms. Khairunnisa, Controller, SNEB alongwith Mr. Shabir Hussain Jhalial, Director of Nursing Sindh.

Mr. Asghar Jogi, Principal Pahal Institute of Nursing, Sukkur.

Mr. Miran Muhammad Shah, Addl: Advocate-General, Sindh alongwith Ms. Jamila Siraj, State Counsel.

Mr. Muhammad Zahid Khan, Asstt: Attorney-General.

ORDER

Muhammad Ali Mazhar, J. Through this Const. Petition, the petitioners have prayed for issuance of writ of mandamus against Respondents 3 & 4 to enabling the petitioners and other students to appear in special examinations scheduled to be held from 22.12.2018 in pursuance of Pakistan Nursing Council's letter dated 09.05.2018. Ms. Khairunnisa, Controller/Secretary, Sindh Nursing Examination Board and Mr. Shabir Hussain Jhalial, Director, Nursing Sindh and Vice Chairman, Sindh Nursing Examination Board are present in connection with some other case, have waived notice and received the copy of this petition. Learned counsel for the petitioner refers to the letter dated 04.11.2018 issued by Registrar, Pakistan Nursing Council to the Principal, Pahal Institute of Nursing, Sukkur wherein implementation of council's decision (23rd Session 2018) General Agenda Item No. 07(a) was intimated with the directions to provide a list of enrolled students with prescribed penalty in shape of demand draft in the name of Pakistan Nursing Council till 17.04.2018 positively. Counsel for the petitioners also places reliance on the order passed by the Divisional Bench of this Court in C.P. No.D-5570/2018, in which one of us (Muhammad Ali Mazhar, J.) was member. In that judgment, in para 18, directions were issued to Sindh Nursing Examination Board to conduct Special Examination as decided by Pakistan Nursing Council in its meeting, for which a list of 435 students was circulated.

At this juncture, Ms. Khairunnisa, Controller, Sindh Nursing Examination Board and Mr. Shabir Hussain Jhalial, Director, Nursing Sindh and Vice Chairman, Sindh Nursing Examination Board stated that Pahel Institute of Nursing have not secured pre-registration of their institute from Pakistan Nursing Council and also not affiliated/enrolled with Sindh Nursing Examination Board, but inducted the students in 2016 which fact has been admitted by the Principal of Pahel Institute of Nursing (the Respondent No. 5). It was further stated by the officials present in Court that the inspection of Pahel Institute was conducted on 08.08.2018 by Pakistan Nursing Council, whereby they have been provisionally allowed to start admission process for three years General Nursing Diploma and allocated 50 seats. Though Pakistan Nursing Council provisionally allowed them but another mandatory requirement is pre-registration of students with Pakistan Nursing Council and thereafter their enrolment with Sindh Nursing Examination Board which were admitted in 2016 by the petitioners' institute. The Principal of Pahel Institute of Nursing submits that an application to that effect has already been moved to the Sindh Nursing Examination Board, but the official present, submit that no such application is on record. The Principal of Pahel Institute of Nursing, however, agrees to file afresh application within two days to do the needful.

Ms. Khairunnisa, Controller, Sindh Nursing Examination Board and Mr. Shabir Hussain Jhalial, Director, Nursing Sindh and Vice Chairman, Sindh Nursing Examination Board submit that on the application of Pahel Institute of Nursing, a meeting of Sindh Nursing Examination Board will be convened within 25 days for placing the application of Pahel Institute of Nursing for consideration and hopefully their 21 students, who may not appear in the special examination scheduled to be held from 22.12.2018, will be allowed to sit in the March 2019 examination (Session - September 2018). Mr. Miran Muhammad Shah, Additional Advocate-General on behalf of Secretary Health, Government of Sindh as well as Mr. M. Zahid Khan, Assistant Attorney-General on behalf of Pakistan Nursing Council have agreed to the modality placed by the officials before this Court for resolving the issue.

By consent, this petition is disposed of in the foregoing terms alongwith pending applications. Since the Pakistan Nursing Council vide their letter dated 08.08.2018 has provisionally allowed to Pahel institute of Nursing, Sukkur, to start admission process of three years for General Nursing Diploma, therefore, a copy of this order may be transmitted to Pakistan Nursing Council through Registrar for further proceeding at their end. Copy of this order may also be provided to the learned Advocate-General, Sindh as well as learned Deputy Attorney-General for compliance.

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