

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C.P.No.D-7297 of 2017**

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Date	Order with signature of Judge
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**Present**  
**Mr. Justice Muhammad Ali Mazhar**  
**Mr. Justice Agha Faisal**

Mst. Maha Farrukh.....Petitioner

V E R S U S

Province of Sindh & others.....Respondents

**15.02.2019**

Mr. Farrukh Nawaz Gandapur, Advocate for Petitioner.  
M/s. Arshad H. Lodhi & Tajjamul H. Lodhi,  
Advocates for the Respondent Nos.2 & 3 (BIEK).  
Mr. M. Israfil Khan, Superintendent BIEK present.  
Mr. Mairaj Ahmed, Junior Clerk BIEK present.  
Mr. Jawad Dero, Addl. A.G. a/w Mr. DM-Imran Khan  
(internee).

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**Muhammad Ali Mazhar, J:** In compliance of the court orders, today Mr. Arshad H. Lodhi, learned counsel for the Board of Intermediate Education Karachi (BIEK) appeared and brought the original answer sheets of Ms. Maha Farrukh daughter of Farrukh Nawaz Khan for Chemistry-I and II, Physics-I and II, Zoology-I and Botany-I and II with Code No.4043. The counsel for the petitioner raised a plea that on answer sheets roll number is not mentioned on which the learned counsel for the respondent Nos.2 and 3 shown us scrutiny form in which Code No.4043 is allotted to the form of the petitioner and the same code is mentioned in all copies. Though the learned counsel in compliance of the court orders brought the aforesaid answer

sheets but at the same time he has also referred to a judgment rendered by the hon'ble Supreme Court in the case of **Abdul Hakim Hashmi vs. Federal Public Service Commission (2002 SCMR 504)** in which the hon'ble Supreme Court has held as under:

“The summoning of answer books by the High Court in its Constitutional jurisdiction has been disapproved by this Court in case of Board of Intermediate and Secondary Education, Lahore v. Saima Azad (1996 SCMR 676) and it has been further observed that marking of numbers on the answer book is a technical job which the High Court is not expected to undertake in exercise of its powers of judicial review under Article 199 of the Constitution. Regarding re-examination/re-evaluating of the answer books through panel of examiners, this Court in case of Tahir Saeed Qureshi v. Board of Intermediate and Secondary Education, Sargodha and others (1996 SCMR 1872) has laid down that the High Court cannot go beyond the scope of the prescribed Rules in Constitutional jurisdiction. Consequently, we find no merit in this petition which is accordingly dismissed and leave refused.”

2. In this case the answer sheets have already been produced which show that the petitioner could not secure the passing marks. In view of the dictum laid down in the above judgment of apex court, no direction can be issued by this court under its constitutional jurisdiction for any rechecking of paper in which the petitioner is found fail. The petition is dismissed.

Judge

Judge

Asif