

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
C. P. No. D-304 of 2020

Date	Order with signature of Judge
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PRIORITY

1. For hearing of CMA No.1320/2020.
2. For hearing of main case.

**Present:-**

**Mr. Justice Muhammad Ali Mazhar.**

**Mr. Justice Yousuf Ali Sayeed.**

Nazar Shah & others-----Petitioners

Versus

Government of Sindh & others-----Respondents

**10.03.2020.**

Mr. Atiq-ur-Rahman, advocate for the petitioners.  
Petitioners Nazar Shah, Muhammad Yaseen and Mubeen  
Furqan are present.

Mr. Shaikh Waqas, advocate for respondent No.2.

Ms. Gul Hafsah, advocate for respondent No.3.

Mr. Muhammad Jawwad Dero, Addl. A. G.

Mr. Akhter Balouch, Vice Chancellor, Benazir Bhutto  
Shaheed University, Lyari, Karachi and Mr. Riaz Hussain  
Balouch, Principal Shaheed Zulfiqar Ali Bhutto Law College,  
Memon Goth, Gadap Town, Malir, Karachi are present.

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**Muhammad Ali Mazhar,J:** The Petitioners were apparently admitted to Fall-2019 Session of the (5 years) LL.B. programme advertised by the Respondent No.3, Shaheed Zulfiqar Ali Bhutto Law College, Memon Goth, Gadap Town, Malir, Karachi, and have thereafter also admittedly appeared in and passed the first midterm examination, with the schedule for the final examination of the first semester set to be announced within a further period of one month.

However, as it transpires, when their names were sent for enrolment to the Respondent No.2, Benazir Bhutto Shaheed University, an objection was raised that their admission was irregular on the ground that whilst the Petitioners had cleared the Law Admission Test administered by the Higher Education Commission, their performance at the Intermediate level did not meet the minimum threshold of a 2<sup>nd</sup> Division, as prescribed in the Respondent No.2 and indicated in the Respondent No.3's advertisement.

Mr. Riaz Hussain Balouch, the Principal of the Respondent No.3 is present and has supported the admission of the Petitioners whilst referring to the Pakistan Bar Council Legal Education Rules, 2015, Rule 4 of which mentions that a person having passed the examination of Higher Secondary Education i.e. Intermediate (or equivalent), shall be eligible for admission to 1<sup>st</sup> year of (5 years) LL.B programme. He also referred to the judgment of the Honourable Supreme Court of Pakistan in C. P. No.134/2012 in the LAT was laid down as a criteria. He submitted that the Petitioners had appeared and qualified in the LAT, and were admitted accordingly. He further submitted that their admission was in accordance with the Rules of the Pakistan Bar Council.

On the other hand, Mr. Akhter Balouch, the Vice Chancellor of the Respondent No.2 pointed out that one of the conditions of affiliation and a prescribed requirement for admission to the LL.B-I semester was that the candidate should have cleared the Intermediate examination with a minimum 2<sup>nd</sup> Division, and whereas the Petitioners may have satisfactorily cleared the LAT, they did not meet the Intermediate standard.

Be that as it may, he submitted that the University was cognizant of the fact that the Petitioners had already embarked upon their studies in pursuance of the admission granted to them by the Respondent No.3, and cleared their midterm examinations, hence, considering the sensitivity of the matter and to avoid causing undue prejudice, the Petitioners would be allowed to continue in the programme as a special case, but with a note of caution that the Respondent No.3 exercise due caution to ensure that further admissions are made accordance with the prescribed criteria.

Under the given circumstances, the Petition stands disposed of in the above terms.

JUDGE

JUDGE

MUBASHIR