

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
C.P.No.D-1443 of 2020

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Date

Order with signature of Judge  
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**Before:-**

**Mr.Justice Muhammad Ali Mazhar**

**Mr.Justice Yousuf Ali Sayeed**

**Maha Sajid Rehmat Kalyal .....Petitioner**

V/s

**Province of Sindh**

**& others.. .....Respondents**

**07-05-2020**

Mr.K.Jahangir, Advocate for the Petitioner.

Petitioner is also present alongwith her father.

Mr.Ishrat Zahid Alavi holding brief for Mr.Jawad Dero,  
Additional Advocate General.

Mr.Wasiq Mirza, Advocate for Dow University of Health  
Sciences.

Mr.Rizwan Ali Zaib, Assistant Director (Finance)  
Dow University of Health Sciences is present.

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**Muhammad Ali Mazhar, J:** On 29.04.2020, statement was filed by the petitioner that she agreed to pay arrears of fee to DUHS in US Dollars 12571 in six monthly instalments from June, 2020 to November, 2020. On notice Mr.Wasiq Mirza, Advocate for Dow University of Health Sciences (DUHS) appeared on 05.05.2020 and stated that at least first instalment may be paid in May, 2020, so that it would be easier for him to seek instructions from the competent authority and on his request the matter was adjourned for today.

2. Now Mr.Rizwan Ali Zaib, Assistant Director (Finance), DUHS is present and submits that the

petitioner may be directed to submit instalments upto October, 2020, which request has been accepted by the petitioner and her father and they have corrected the schedule in their own handwriting and also signed the same. The first instalment of arrears of fee in US\$ shall be paid within 03 working days in the month of May, 2020, which will continue to be paid in instalments on or before 10<sup>th</sup> of every next following month till October, 2020. According to Mr.Rizwan Ali Zaib, Assistant Director (Finance), DUHS they cannot accept the cash and the proper way to pay the fee is through foreign currency demand draft. The petitioner and her father both have agreed that they will pay the fee through foreign currency demand draft within 03 working days in the office of DUHS.

3. At this juncture, Mr.Wasiq Mirza, Advocate for DUHS submits that the result of petitioner of 3<sup>rd</sup> attempt of 2<sup>nd</sup> professional annual exam was withheld due to non-payment of fee, therefore, it is not verified whether she cleared all papers in 3<sup>rd</sup> attempt or not. He further submits that in case of failure in the 3<sup>rd</sup> attempt she could appear in 4<sup>th</sup> attempt exam, which was held in the month of January, 2020, but she failed to avail 4<sup>th</sup> attempt. In our view, when the result was not disclosed to the petitioner it was uncertain whether she has to appear in the 4<sup>th</sup> attempt or not unless the result is disclosed. Let the result be declared to the

petitioner. Mr.Wasiq Mirza, Advocate submits that if she has failed, the next exam will be held tentatively in the month of November-December, 2020 and the petitioner may avail 04<sup>th</sup> attempt accordingly. It is clarified that she will also pay the fee of 3<sup>rd</sup> professional according to the university schedule.

The petition is disposed of in the above terms.

Judge

Judge

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