

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P No. D-4686 of 2020

DATE: ORDER WITH SIGNATURE(S) OF JUDGE(S).

Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Yousuf Ali Sayeed.

Mirza Muhammad Younus and others.....Petitioners.

Versus

Province of Sindh and othersRespondents.

01.10.2020

M/s. Hasan Khurshid Hashmi and Khurram Nizam, advocates for the petitioners.

Mr. Sharhiyar Mahar, A.A.G.

Mr. Etrat Hussain Rizvi, Director, Institute of Health & Business Management, Jinnah Sindh Medical University, Karachi.

Dr. Muhammad Hanif Saeed, Controller of Examinations, Jinnah Sindh Medical University, Karachi.

Mr. Abdul Waheed Siyal, advocate

Muhammad Ali Mazhar, J: Basically the contention of the petitioners' counsel was that at the time of issuance of notice of this petition to the respondents that only MBA students have been called upon to appear in their examination physically but other examinations are being conducted online. Today Mr. Abdul Waheed Siyal, advocate undertakes to file vakalatnama for respondents Nos.2 to 4. Mr. Etrat Hussain Rizvi, Director, Institute of Health & Business Management and Mr. Muhammad Hanif Saeed, Controller of Examinations, Jinnah Sindh Medical University, Karachi are present and on our query the Director and Controller both informed us that all examinations are being conducted by them physically i.e. BBA, MBA, BDS, MBBS, Institute of Pharmacy, Institute of Nursing, and institute of Physiotherapy. The Director, Institute of Health & Business Management further stated that the present case pertains to the MBA examination in which 310 students are enrolled but only 09 students have come forward to file this petition to challenge

physical examination. He further submits that after withdrawal of lockdown notification, they have opened the institution as per government directions. At this juncture the counsel for the petitioner submits that government has imposed smart lockdown in subdivision Gadap town UC-08. He further submits that due to this lockdown there is a possibility that students residing in that particular UC may not be able to appear in the examination and it is further apprehended that some smart lockdown might be imposed by the government of Sindh in some other area to combat second wave of Covid-19. Mr. Etrat Hussain Rizvi, Director, Institute of Health & Business Management responded that institution realizes this problem and if any student residing in such smart lockdown area then he will not be forced to appear in the examination but certain arrangements will be made for their examination after lockdown period. So far as the required percentage of attendance entitling the candidates to appear in the examination is concerned, he further submits that during online classes they have already exempted required ratio of percentage however they will only consider attendance of physical appearance marked before the lockdown notification. The Director and Controller both have also assured that all examinations will be conducted physically according to the strict implementation of SOPs formulated for this purpose with proper social distancing. The Director and Controller further submit that in case any student will submit Covid-19 positive medical report, the arrangement of his examination will be made after quarantine period. On this firm statement given by the Director (IHBM), the counsel for the petitioner is satisfied. The petition is disposed of accordingly.

JUDGE

JUDGE

