

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. No.D-4654 of 2020

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Arshad Hussain Khan.

Amjad Ali MastoiPetitioner

Versus

Shaheed Benazir Bhutto University, & othersRespondents

Date of hearing 03.12.2020

Petitioner is present a/w his counsel Mr. Naveed Ahmed Khan advocate.

Mr. Faheem Memon advocate for the respondent No.2

Ms. Gul Hafsa advocate for the respondent No.3

Mr. Hakim Ali Shaikh, AAG.

Muhammad Ali Mazhar, J: The petitioner was L.L.B student in respondent No.3 institution which is affiliated with respondent No.1. He has challenged the cancellation of enrollment vide letter dated 08.08.2019 on the basis of a complaint lodged by the Superintendent of Examination Center during supplementary examination of BALLB-II papers “Law of Crime” and Constitutional History of Pakistan”. The allegation against the petitioner is that he appeared in the examination by impersonation and attempted above papers in place of another student Syed Shahrukh Hussain. It is further stated in the impugned letter that the case was referred to the unfair means committee of the university but the petitioner failed to appear, therefore, committee

unanimously decided to cancel his enrollment from the university.

2. Learned counsel for the petitioner argued that the impugned letter was never communicated to the petitioner but when he approached to the college for collecting his admit card for his fifth year examination, he was notified this decision, whereas, learned counsel for the respondent No.2 has filed comments. He further referred to annexure "A" of the comments which is a notice issued to the petitioner for appearance before the unfair means committee on 12.06.2019 at 11:00 a.m. He further argued that decision was rightly communicated to the petitioner. At this juncture, learned counsel for the petitioner pointed out seal of Controller of Examination which shows that outward number 6779 dated 15.05.2020 and he argued that this endorsement clearly depicts that outward number was assigned on 15.05.2020, whereas, in the notice the petitioner was called upon to appear on 12.06.2019. To response this, learned counsel for the respondent No.2 pointed out annexure "P-3" which is a representation submitted by the petitioner to the Vice Chancellor of the respondent No.2 for dropping action against him.

3. Be that as it may, it is clear that while deciding the fate of the petitioner he was not given opportunity of hearing on which learned counsel for the respondent No.2 agrees that petitioner will be allowed opportunity of hearing before the Unfair Means Committee on which the petitioner's counsel on

instructions of the petitioner who is present in court is satisfied.

4. In view of above statement, this petition is disposed of with the directions to respondent No.2 to arrange meeting of Unfair Means Committee and provide ample opportunity of hearing to the petitioner to represent his case. The regret or the representation submitted by the petitioner on 26.08.2019 will also be considered by the Unfair Means Committee as according to him, the petitioner has already cleared fourth year and he has to appear only in the final year. Learned counsel for the respondent No.2 submits that within three (03) weeks the meeting will be convened and petitioner will be informed in writing at his given address to appear before the committee.

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JUDGE

JUDGE

Aadil Arab