

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP D-3097 of 2019

Order with signature of Judge

Present: Muhammad Ali Mazhar and Agha Faisal JJ.

Muhammadn Anwar & Others
Vs.
Province of Sindh & Others

1. For orders as to non-prosecution of CMA 27924 of 2019
2. For hearing of CMA 14156 of 2019
3. For hearing of main case

29.11.2019

Mr. Shahab Sarki, Advocate alongwith Mr. Zulfiqar Langa, Advocate for the petitioners.

Mr. Jawad Dero, Additional Advocate General Sindh.

Mr. Wasiq Mirza, Advocate for respondents 3 and 4.

Mr. Furqan Qureshi, Advocate for Intervener Ayesha Abbas.

Muhammad Ali Mazhar J.- Case of the petitioners is that petitioners 1, 2, 4 and 5 were students of Dow International Dental College, whereas, petitioners 3, 6 and 7 were studying in Dow Dental College, Karachi. All the petitioners claim to have cleared their first year professional BDS examination and appeared in the second year professional BDS examination, however, they could not qualify the second year examination in the available attempts. They have approached this Court seeking directions to respondents 2 to 4 to conduct a resit/super supplementary examination. On notice Mr. Wasiq Mirza, advocate appeared for respondents 3 and 4 and argued that the petitioners have already availed four attempts but could not clear the examination, therefore, in the month of May, 2019 their names have been struck of from their respective institutions. After arguing at some length, learned counsel for the petitioner on instructions proposed that some directions may be issued to respondents 3 and 4 to grant NOC to the petitioners so that they may apply for their admissions in some other institutions.

Mr. Wasiq Mirza, Advocate reiterated that since their names have already been struck out from roll of the University therefore NOC will be issued to them in the terms that respondents 3 and 4 shall have no objections if the petitioners apply for their admission in any other institution. So far as their admission in the institutions/respondents 3 and 4 is concerned that chapter has already been closed. On this statement this petition is disposed of. Individual NOCs shall be issued to the petitioners within ten days and they may approach the Registrar of the Institutions/respondents 3 and 4 during working hours to obtain the same.

At this juncture, Mr. Furqan Qureshi, Advocate has pointed out that he has also moved an application under Order 1 rule 10 CPC for impleading Ms. Ayesha Abbas, whose case is at par with the petitioners. Mr. Wasiq Mirza, Advocate waives notice of this application and he affirms that the said intervener has also cleared first year examination. CMA 2794 of 2019 is allowed and Ms. Ayesha Abbas is impleaded as petitioner 9. The order passed in the case of other petitioners shall apply to the case of Ms. Ayesha Abbas mutatis mutandis. The learned counsel for the petitioner may file amended title in the office after impleading Aesha Abbas as petitioner 9.

This petition, alongwith pending applications, stands disposed of in terms herein.

J U D G E

J U D G E

