

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-5491 of 2019

Date	Order with signature of Judge
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PRIORITY.

1. For hearing of Misc. No.24198/2019.
2. For hearing of main case.

Present

Mr. Justice Muhammad Ali Mazhar

Mr. Justice Yousuf Ali Sayeed.

Ms. Shireen Khan.....Petitioner

Versus

Deputy Secretary (Endowment) & others.....Respondents

14.01.2020.

Mr. Muzzammil Ali Shaikh, Advocate for the Petitioner.

Mr. Abdul Waheed Siyal, Advocate for Respondents No.4 & 5.

Mr. Jawwad Dero, Addl. A. G.

Ihsanullah Leghari, Deputy Secretary, Endowment is present in person.

Muhammad Ali Mazhar,J: The case of the Petitioner is that she was granted admission in Jinnah Sindh Medical University (JSMU), Karachi in MBBS Session started from the year 2014 and her father is a retired Post Office Officer. The grievance of the Petitioner is that her first two years' fee i.e. 2014-15 and 2015-16, were paid to the Institution through Sindh Educational Endowment Fund Scholarship, Government of Sindh, Karachi. From the years 2016-17 and 2017-18, the Respondent No.3 had not renewed the Endowment Fund Scholarship.

Learned counsel for the Petitioner has referred to Page-21, which is a letter dated 18.09.2017, through which the Section Officer (Endowment) communicated the Vice Chancellor of the Jinnah Sindh Medical University (JSMU), Karachi for providing the list of the students regarding renewal of the Endowment Fund Scholarship. One more letter dated 09.01.2019 is available at Page-23 which was communicated by the Chairman, Scholarship Committee, Jinnah Sindh Medical University, Karachi to the Section Officer (Endowment) and similarly vide letter dated 21.02.2019 list of students was provided for renewal of scholarship for the Academic Year 2016-17. According to the available list the name of the Petitioner is appearing at Sr. No.5. Learned counsel for the Petitioner has further argued that keeping in view the good academic record of the Petitioner, the Respondents No.4 and 5 allowed the Petitioner to appear in the last three Academic Years on the understanding that fee will be paid through Endowment Fund, according to the list forwarded by the Jinnah Sindh Medical University (JSMU), Karachi to the Section Officer (Endowment) on their own request. Learned counsel for the Petitioner also referred to Page-45, which is an Exam Result for Semester Nine, in which total GPA 03.71 has been granted, but the exam result of the Petitioner for Ten Semester has been withheld by the University on account of non-payment of fee and he further argued that unless the result is declared, the Petitioner would not be in a position to continue her house job, which is necessary for her career.

The Reply of the Section Officer (Endowment) is available on record, in which the main plea taken is reproduced as under”-

“As the Board of Trustees, Sindh Educational Endowment Fund in its meeting held on 15.02.2016, decided that in future no outside panel, self financing scheme cases and cases having less than GPA 2.5 would be entertained (Annexure-A). The Petitioner is studying under self-financing scheme, therefore her case does not cover under the Sindh Educational Endowment Fund Policy.”

The Deputy Secretary, Sindh Educational Endowment Fund Scholarship, Government of Sindh, Karachi present in Court admits that fee of the Petitioner's first two years was paid but he vehemently relied on the decision taken by the Board of Trustees vide letter dated 15.02.2016 in which they have decided that no further endowment fund will be released to the students of self-finance scheme. He further stated that the Board of Trustees, Sindh Educational Endowment Fund is a supreme body and having power to award scholarship to the poor, needy and meritorious students at any stage of the study.

Heard the arguments. Apparently, the decision was taken on 15.02.2016 by the Board of Trustees that the endowment fund scholarship will not be allowed to the students, but it is also a fact that the Petitioner was already accommodated for two Academic Years. In our understanding any such decision of the Board may not take retrospective effect otherwise accommodation of two years will become redundant and nullified. In the case of the Petitioner, she has no means and resources to pay the fee for subsequent academic terms. It is also an admitted fact that the father of the Petitioner is a retired government officer and presently working as a marketing Officer in ASASA Incorporate Importer & Exporter and is getting salary of Rs.35,000/- per month with meager pension. In this regard, learned counsel for the Petitioner has also

referred to Page-19 which is a certificate issued by the ASASA Incorporate Importer & Exporter. If any decision is taken with retrospective effect then the endowment fund paid by the Government to the Petitioner for past two academic session will be a futile exercise and the Petitioner would also not be in a position to pay her fee despite clearing her examination and her result will remain withheld due to non-payment of fee so the whole purpose of her admission and the contribution of endowment fund would be nullified, therefore, keeping in view the exigency in this case, we direct the learned Chairman and the learned Members of the Board of Trustees, Sindh Educational Endowment Fund to reconsider the Petitioner as a special case and decide the matter within one month and after sympathetic consideration allow payment to the Institution.

The Petition stands disposed of in the above terms.

JUDGE

JUDGE

MUBASHIR