

**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

**C. P No. D – 1740 of 2019**

**Before:-**

Mr. Justice Muhammad Junaid Ghaffar  
Mr. Justice Zulfiqar Ali Sangi

**Date of hearing: 22-12-2021**

**Date of decision: 22-12-2021**

None present for the Petitioner  
Mr. Ali Raza Baloch, Assistant Advocate General

**ORDER**

**Muhammad Junaid Ghaffar, J:-** Through this Petition, the Petitioner has sought the following reliefs;-

- (a) That this Honourable Court may kindly be pleased to direct the Respondent No.2 and 3 to get the marks/papers of Petitioner's son Shah Faisal and brother Muhammad Ibrahim rechecked/recounted for the examinations of Intermediate.
- (b) That this Honourable Court may kindly be pleased to direct the Respondent No.2 and 3 do not take any detrimental action against the Petitioner.

2. Notice was issued and comments have been filed by Respondents 2 and 3, whereas, today Mr. Rafique Ahmed Palh, Controller of Examination, BISE, Sukkur is in attendance. He along with learned AAG Sindh has argued that the prayer of the Petitioner cannot be granted in view of the fact that no Application was furnished within the time period specified under Rules nor any fee was ever deposited. Learned AAG has further argued that even there was no recommendation from the concerned Institution for rechecking and retotaling of the marks so obtained by the Petitioner.

3. We have heard the learned AAG Sindh as well as Rafique Ahmed Palh, Controller of BISE, Sukkur and perused the record.

4. Insofar as the Respondents are concerned by way of Resolution No.6 adopted in meeting held on 12-11-1979 the rules framed by the Board of Intermediate and Secondary Education, Hyderabad have been adopted for all intents and purposes till the fresh rules are framed by the

Respondents. Relevant Rules 3 and 7 regarding rechecking of the marks and individual papers read as under;-

“(3) After declaration of the result of an examination, the candidates who appeared at the examination may apply for retotalling of marks and/or rechecking of their answer books in order to ascertain whether a candidate’s answer in any paper or papers at any given examination of the Board have been examined and marked and whether the total number of marks in the paper or papers in correct.

(7) The application for rechecking of the marks as provided under rule 3 above, shall be received duly recommended by the Head of the Institution through which the candidate appeared at the relevant examination within six weeks from the date of first announcement of the result.”

5. Perusal of the aforesaid rules reflect that the Application for rechecking of marks as provided under Rule 3 was first to be duly recommended by the Head of the Institution through which the candidate had appeared in the relevant examination and same is to be received within six weeks from the date of first announcement of the results. In the instant matter, the result was announced on 10-08-2019, whereas, Application which was not even recommended by the head of the Institution was submitted on 14-11-2019. Even otherwise, the memo of Petition and its Annexures reflects that on page 21 and 23 two payment of challans have been annexed and Petitioner’s Counsel on the last date of hearing had informed us that despite payment of fees rechecking has been refused. However, today we have been assisted by Mr. Rafique Ahmed Palh, Controller of Examinations, BISE, Sukkur to this effect that challans are in respect of improvement fees and not regarding any rechecking as their Application being filed belatedly was regretted; hence, there was no question of accepting the fees.

6. In view of hereinabove facts and circumstances of this case and the belated Application so filed by the Petitioner, we do not see any reason to exercise discretion in this matter, hence the Petition being misconceived is hereby dismissed.

**Judge**

**Judge**