

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-7315 of 2022

Date	Order with signature of Judge
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FRESH CASE.

1. For orders on Misc. No.30981/2022.
2. For orders on Misc. No.30982/2022.
3. For orders on Misc. No.30983/2022.
4. For hearing of main case.

29.11.2022.

Mr. Nabi Bux Leghari, Advocate for the Petitioner.

YOUSUF ALI SAYEED, J. - The Petitioner is a Fourth Year MBBS Student at Dow Medical College, Dow University of Health Sciences, who stands suspended from the University for a period of two years in terms of an Order dated 21.09.2022 made in pursuance of proceedings under the Provisions of the Protection Against Harassment of Women at the Workplace Act, 2010, on charges of sexual harassment. Whilst, an Appeal has been filed in the matter before the Provincial Ombudsman appointed under the aforesaid statute, the Petitioner has preferred the captioned Petition seeking that he be allowed to attend classes and appear in the Final Year Exams during pendency of his Appeal.

As it transpires, an application filed before the Ombudsman for such relief has already been dismissed and a “Mercy Appeal” said to have been preferred by the Petitioner before the Principal of the College has also been rejected on 06.10.2022. Under the given circumstances, where the main prayer advanced only seeks suspension of the Orders dated 21.09.2022 an 06.10.2022 till final adjudication of the Petitioner’s Appeal by the Provincial Ombudsman and the larger question of the correctness of the underlying Order dated 21.09.2022 is not before us, we are not inclined to entertain a matter confined to the purpose of merely obtaining interim relief, especially with it being well settled that it is not the function of the Court to unduly interfere in the disciplinary matters of educational institutions. Needless to say, the

presence of a person found to have been guilty of sexual harassment would hardly be conducive to the working of the educational institution and the interest of the student body whilst that adverse finding remains in the field and we would be remiss in our function to impost such an arrangement.

That being so, we are of the view that the Petition is misconceived, hence, while granting the application for urgency, we hereby dismiss the same *in limine*, along with the other miscellaneous applications.

JUDGE

CHIEF JUSTICE

MUBASHIR