

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-1133 of 2020

Date	Order with signature of Judge
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FOR DIRECTIONS.

For orders as to maintainability of the Petition.

01.02.2023.

Mr. Muhammad Safdar, Advocate for the Petitioner.

Mr. Kashif Hanif, Advocate for the Respondent No.1.

Mr. Shahryar Mahar, Additional Advocate General, Sindh.

YOUSUF ALI SAYEED, J. - The grievance of the Petitioner is that she was enrolled in the Ph.D Program of Pharmacology at the Hamdard University of Medicine & Dentistry, but was not issued the Degree despite having fulfilled the academic requirements and, on the contrary, the Degree was cancelled by the University without apparent cause. Therefore, having approached the concerned Authorities as well as the Provincial Ombudsman, she has invoked the jurisdiction of this Court under Article 199 of the Constitution, praying that such cancellation be declared illegal and set aside.

However, as it transpires, the comments forthcoming in the matter reflect that such action was taken by the University in view of a violation of the Code of Conduct and of the course requirements, as the Petitioner's Co-Supervisor was her brother-in-law, and the Petitioner also remained out of the country for the major period of time spanning her studies, hence had not completed her credit hours in the normal course. As such, the impugned action had been taken in her matter by the Board of Advance Studies & Research (BASR) in accordance with the relevant policy and guidelines, which had then been ratified by the Academic Council.

On query posed, learned counsel for the Petitioner was unable to controvert the allegation that the Petitioner and her Co-Supervisor were related in a manner alleged or that the Petitioner had been out of the country for the major period of her studies. Furthermore, it merits consideration that the University is a Private Institution and is even otherwise not amenable to the writ jurisdiction of this Court under Article 199 of the Constitution, as laid down in the case of *Anoosha Shaigan v. Lahore University of Management Sciences through Chancellor and others* PLD 2007 Lahore 568 and *Dr. Khalid Zamir Rasib v. Province of the Punjab through Secretary Higher Education Department, Lahore and 4 others* 2021 PLC (C.S) 994.

That being so, the Petition is found to be misconceived, and stands dismissed accordingly.

JUDGE

CHIEF JUSTICE

MUBASHIR