

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

CP.No.D-4850 of 2024

Date: Order with signature(s) of the Judge(s)

**Before: Salahuddin Panhwar &
Amjad Ali Sahito, JJ**

1. For orders on Misc. No. 21528 of 2024 (U/A).
2. For orders on Misc. No. 21529 of 2024 (Ex./A).
3. For orders on Misc. No. 21530 of 2024 (Stay/A).
4. For hearing of bail application.

01st October 2024

M/s. Shoaib Ali Khatian, Nabeel Ahmed Khan, Jahangir Shams and
Nawaz Dahiri, advocates for the petitioners.

- 1) Urgency granted.
- 2) Exemption granted subject to all just exceptions.
- 3-4) In the instant petition, the issue pertains to the MDCAT Test. The petitioners have challenged the validity of the test results on the grounds that they are tainted by a paper leakage and that the administration of the MDCAT was complicit in facilitating access to select candidates by providing them with the leaked examination papers. The petitioners assert that there is substantial evidence indicating that, following the paper leakage, certain students achieved exceptionally high scores, with marks reaching as high as 199 out of 200. Furthermore, it is a matter of record that board examination scores are also factored into the admission process, with a weightage of 50%. Consequently, parents of students are resorting to various means to secure maximum marks in the board examinations to meet the admission criteria. This practice is undermining the integrity of our education system, and these nefarious activities are jeopardizing the future of the next generation. In light of these circumstances, the following directions are hereby issued:

1. The petitioner shall submit a comprehensive breakdown of all marks exceeding 190 obtained by the candidates.
2. The Secretary of Boards and Universities shall provide a detailed mechanism regarding the examinations conducted by the Boards in the Province of Sindh. It is noted that in other provinces, these tests are outsourced by the Boards. The Secretary must elucidate the rationale for considering Board marks, particularly given that the MDCAT Test

was administered independently by the universities, which suffices to assess the candidates' capabilities. The imposition of a 50% weightage for both Board marks and MDCAT results places undue pressure on parents, leading to unethical practices by certain individuals, thereby depriving deserving students of their rightful admission to universities. Consequently, the court must inquire why Board marks should not be exempted from the admission criteria.

3. The Secretary of Boards and Education shall provide a detailed breakdown of all universities in the Province of Sindh, specifically addressing whether institutions such as NED University and others are admitting students into various faculties without considering Board marks in their independent admission tests.
4. The Federation and the Province shall submit justifications for delegating the authority to assess candidates' competencies to a testing agency. This responsibility should reside with the universities, which ought to conduct tests in accordance with their own bylaws and standards. The role of the testing agency should be limited to administering the test and collecting fees, without regard for the long-term implications of the results.

Let notices be issued to the respondents, including the Secretary of Boards and Universities, as well as the Higher Education Commission at both the provincial and federal levels. These respondents shall submit detailed reports that encompass the following:

1. A comprehensive overview of the various educational boards operating across Pakistan, accompanied by a comparative analysis of the syllabi variations prevalent in all provinces. This information shall provide the Court with a holistic understanding of the educational landscape and the disparities in curricular standards.
2. The Secretary of Boards and Universities for the Province of Sindh shall engage in consultations with representatives from IBA Karachi and Aga Khan University to ascertain their willingness and capacity to conduct future examinations. This collaborative effort shall explore alternative examination mechanisms that could potentially enhance the integrity and fairness of the assessment process.
3. The Secretary of Boards and Universities for the Province of Sindh shall provide a comprehensive explanation for the decision not to adopt the examination outsourcing mechanisms utilized by the Provinces of Khyber Pakhtunkhwa (KPK) and Punjab. This explanation shall include a detailed rationale behind the current practices in Sindh, as well as an assessment of the potential implications for the overall quality of education.
4. The Secretary of Boards and Universities shall also reach out to the Chairman of the Aga Khan Board and the Director of IBA Karachi to

solicit their expertise and insights regarding the existing examination mechanisms. Their inputs shall assist the Court in understanding the best practices and identifying potential areas for improvement.

5. Furthermore, the Chief Secretary Sindh, the Secretary of Health, the Secretary of Boards and Universities, the President of the Pakistan Medical and Dental Council (Dr. Rizwan Taj), shall appear in person before this Court to address the aforementioned points in detail. Besides, Vice Chancellors of Jinnah Sindh Medical University, Karachi, Liaquat University of Medical and Health Sciences, Jamshoro and Shaheed Mohtarma Benazir Bhutto Medical University shall appear in person for their valuable assistance.

To come up on **09th October 2024 at 11:00 a.m.**

Sd/-
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Sajid