

**ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI**

**C.P.No.D-3408 of 2023
C.P.No.D-5547 of 2023
C.P.No.D-5529 of 2023
C.P.No.D-5646 of 2023
C.P.No.D-4284 of 2024
C.P.No.D-329 of 2025**

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

11.02.2025

Mr. Shahab Sarki & Mr. Wahaj Ali Khan, Advocates for the Petitioners in C.P.No.D-3408 and 5547 of 2023.

Mr. Muhammad Umer Lakhani, Advocate for the Petitioners in C.P.No.D-4284/2024.

Mr. Imamuddin Chandio, Advocate for the Petitioner in C.P.No.D-329/2025.

M/s. Umair Usman, Kawish Naqvi and Shahmeer Memon, Advocates for the Petitioner in C.P.Nos.D-5529 & 5646 of 2023.

Mr. Sandeep Malani, A.A.G.

Ms. Alizeh Bashir, Assistant Attorney General.

Mr. Zeeshan Abdullah, Advocate for Respondent (PMDC).

Mr. Shahzeb Akhtar & Mr. Ahmed Magsi, Advocates for Respondent (DUHS).

A medical college introduced an overseas sponsored category of intake, exclusive to the regular category filled by competitive examinations. The said category required payment of fees etc. in foreign exchange upon a schedule incongruent with that applicable to the regular category. Persons obtained admission in the said overseas sponsored category, began attending school, however, filed petitions thereafter seeking to be treated in the *regular* category essentially to abjure their obligation to make payments per the schedule for overseas sponsored category.

Prima facie these persons obtained an advantage in seeking admission in a medical college irrespective of merit, however, subsequently sought to disavow the clear terms governing such admissions.

There is no case before us that the terms of such admission were not known to the relevant students. On the contrary all such admissions appear to have been obtained in manifest acquiesce of the said terms.

The primary relief sought is against a medical college and the learned counsel remained unable to demonstrate as to how a writ could be issued there against in the present facts and circumstances, per Article 199(5) of the Constitution.

CP D 3408 of 2023, 5547 of 2023 and 4284 of 2024 have been filed by parents of such students. *Admittedly* the students are *sui juris*, therefore, the respective parents could not be befallen within the definition of aggrieved person per Article 199 of the Constitution.

The respondents have asserted that the petitions are an attempt by petitioners / their children to wriggle out of their *contractual* obligations. Learned counsel made no attempt to suggest that the obligations were not of a contractual nature. It is settled law that adjudication of contractual disputes is not amenable in writ jurisdiction.

It is also brought to our notice that an earlier Division Bench of this Court was seized of a similar matter in CP D 3643 of 2019 and vide order dated 12.09.2022 the said petition was dismissed. Respondents' learned counsel stressed that the said edict is applicable on all fours and binding per the *Multiline* principles.

Therefore, no case is made out to merit invocation of the discretionary¹ writ jurisdiction of this Court, therefore, these petitions, along with pending application/s, are hereby dismissed. Let copy of this order be placed in connected petitions.

Judge

Judge

¹ Per *Ijaz Ul Ahsan J.* in *Syed Iqbal Hussain Shah Gillani vs. PBC & Others* reported as 2021 SCMR 425; *Muhammad Fiaz Khan vs. Ajmer Khan & Another* reported as 2010 SCMR 105.