

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA**  
**C. P. No. D-89 of 2025**  
*(Re. Mst. Aqsa v. Vice-Chancellor SMBBMU Larkana & Ors)*

<b>Date of Hearing</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
------------------------	--------------------------------------

Date of hearing & Order: 13.02.2025.

Mr. Javed Ahmed Soomro, advocate along with the petitioner.  
 Mr. Sarfraz Ali M. Abbasi advocate for respondents No.1 & 2  
 Mr. Abdul Salam Memon advocate for respondents No.3 & 4  
 Mr. Munawar Ali Abbasi, Asst. A.G.

-----  
**ORDER.**

**ADNAN-UL-KARIM MEMON, J-** The petitioner Ms Aqsa requests this court to direct respondents 1-4 to consider her application and supporting documents for admission to the first-year MBBS program for the 2024-25 academic session in Sindh's public medical universities and colleges. Specifically, she seeks to have her name included on the merit list for seat allocation in the Kamber-Shahdadkot district. Furthermore, she requests the court to restrain respondents 1-4 from finalizing the MBBS merit list for Kamber-Shahdadkot until her application is considered. Finally, she asked the court to compel respondents 1-4 to submit the MDCAT-2024 result records for all candidates, along with the question papers and answer key.

2. The petitioner's counsel argues that the petitioner took the MDCAT-2024 retest on December 8, 2024, and scored 171 out of 200 in the Kamber-Shahdadkot district. She regularly checked the Shaheed Mohtarma Benazir Bhutto Medical University Larkana website for admission updates but found only outdated information from December 1, 2023. Due to this lack of updated information, she emailed the Registrar of Liaquat University of Medical and Health Sciences (LUMHS) Jamshoro, inquiring about the required admission documents. The application deadline for public sector universities was January 15, 2025. On January 26, 2025, the petitioner emailed the Vice Chancellor of LUMHS Jamsoro, explaining her situation and high merit ranking in Kamber-Shahdadkot, and pleading for assistance in securing her admission. Counsel submits that the prospectus details the admission process which stipulates information to candidates via SMS/email, requiring candidates to download fee challans from the generated portal and pay at any branch (online or in person) by the specified deadline; however, nothing could be done on the part of the respondent university as such there was no fault on the part of the petitioner but she was penalized stringently and another candidate was accommodated in her place with lower marks. The petitioner requests the court to direct respondents to consider her application for the 2024-25 MBBS session and include her on the Kamber-Shahdadkot merit list.

3. At the outset, learned counsel for respondents No.3 & 4 has submitted Admissions were open from January 4th to 15th, 2025 as such data verification was posted on January 23rd, with objections accepted until January 25th. He added that the provisional merit list was released on January 25th, objections were taken until January 27th, and the final list on January 28th. Qamber Shahdkot district had 26 merit seats. Per learned counsel, Ms. Bisma secured 87.2738% and was last on the merit list, whereas Ms. Aqsa secured 87.473% and submitted documents via this court order on February 3rd. The respondent university's announcement clearly stated late applications wouldn't be accepted. He emphasized that Ms. Aqsa per the court order (dated January 30th) would require canceling Ms. Bisma's admission, potentially leading to further litigation as Ms. Bisma applied on time. Therefore, admitting Ms. Aqsa at this stage is uncalled for.

4. Learned counsel for respondents No.1 & 2 has adopted the arguments of the learned counsel for respondents No.3 & 4 and argued that Educational institutions have the authority to establish admission and examination criteria within their rules and regulations. Their academic, administrative, and disciplinary autonomy, including their admission policies, should be respected. He added that court interference in these policies can disrupt the institutions' smooth and efficient operation. Unless an institution acts outside its authority, violates applicable laws, or breaches its prospectus-stated admission policies, external intervention from executive or judicial bodies is unwarranted. In this case, the prospectus's eligibility criteria are unambiguous, leaving no room for alternative interpretations. The record shows no evidence that the university, in not accommodating the petitioner's admission, acted contrary to its established rules and regulations. He prayed for the dismissal of the petition.

5. The petitioner, present in court with her counsel, explained her situation. She stated that she consistently monitored the SMBBMU, Larkana website for form submission updates, but only learned of the deadline on January 24, 2025. Her form submission was completed at LUMHS, Jamshoro, and she immediately emailed the LUMHS Director of Admissions and the Registrar (copies attached) requesting permission to submit her challan and documents. However, she received no response. The petitioner, claiming to be among the top 20 candidates in her district, requests this court to direct the relevant authorities to allow her to submit her challan and documents, thereby enabling her admission to the MBBS program.

6. We have heard learned counsel for the parties and perused the material available on record and case law on the subject.

7. This case is distressing for the petitioner, whose aspirations of becoming a doctor are now threatened. However, this Court is not in a position to direct the increase

of the seats allocated to the respondent-University, as it is for the respondent-University to decide between two candidates, one Ms. Aqsa and one Ms. Bisma. Ms. Aqsa's calculated MDCAT score of 87.47% is slightly higher than Ms. Bisma's score of 87.27%. However, despite her higher score, Ms. Aqsa was denied the opportunity to submit her admission form because it was submitted through a court order, and not within the original deadline. As a result, another candidate who submitted her application on time was granted admission. The petitioner submitted that she contacted LUMHS Jamshoro officials, including the Vice Chancellor, explaining her high ranking in the Kamber-Shahdaktot seat. Having missed the January 15, 2025 deadline, due to this lack of updated information on the website. Respondent University's stance is that Qamber Shahdaktot district had 26 merit seats. Ms. Bisma (87.2738%) was last on the list. Ms. Aqsa (87.473%) submitted documents via court order on February 3<sup>rd</sup>, 2025.

### MDCAT PERCENTAGE CALCULATION

<b>MISS AQSA</b>					
Degree	Obtained Marks	Total Marks	Degree Percentage	Initial Percentage (Weight)	Initial Percentage
Matriculation	726	850	85.41%	10%	8.54%
Intermediate	995	1100	90.45%	40%	36.18
MDCAT	171	200	85.50%	50%	42.75
				<b>Total</b>	<b>87.47%</b>

<b>MISS BISMA</b>					
Degree	Obtained Marks	Total Marks	Degree Percentage	Initial Percentage (Weight)	Initial Percentage
Matriculation	660	850	77.64%	10%	7.76%
Intermediate	1004	1100	91.27%	40%	36.51%
MDCAT	172	200	86%	50%	43%
				<b>Total</b>	<b>87.27%</b>

MISS AQSA: 87.47%

MISS BISMA: 84.27%

-----  
**0.20% (Difference)**

**Note:** The Percentage of Miss Aqsa is more than the percentage of Miss Bisma by the difference of 0.2%.

8. The petitioner's admission was denied by the respondent university because she did not present the required original documents on the specified date, which did not



fulfill the requirements outlined in the MBBS and BDS Prospectus for admission to Government Medical and Dental Institutions of Sindh for the 2024-25 academic session. Prima facie petitioner checked the SMBBMU website for form submission updates but only learned of the January 24, 2025 deadline that day. Having completed her LUMHS, Jamshoro form submission, she immediately emailed the LUMHS Director of Admissions and Registrar requesting permission to submit her challan and documents, but received no reply. Claiming to be a top 20 district candidate.

9. It is generally accepted that courts are reluctant to interfere with the internal governance and affairs of educational institutions, preferring not to intervene in educational matters and avoiding overturning decisions made by university authorities. However, this is not an absolute rule. While generally followed, there are exceptions. This principle is supported by the case of Yasir Nawaz and others v. Higher Education Commission and others (PLD 2021 Supreme Court 745).

10. In this case, the petitioner successfully passed the MDCAT and was placed on the open merit list. However, due to the University's delayed updating of information on the website/ notification, the petitioner was denied her fundamental right to education, as protected by Article 25-A of the Constitution of Pakistan. This court grants the petition and orders the respondents to admit the petitioner to the first-year MBBS program for the 2024-25 academic year. Since the petitioner's failure to timely submit her application was due to the respondents' inaction, not her fault, the MDCAT authorities as well as the university will assist the petitioner by allowing her admission on merit. The decision shall be made within two weeks, positively. (