

**IN HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

CP No. D-536 of 2025

PRESENT:

MR. JUSTICE ARBAB ALI HAKRO

MR. JUSTICE RIAZAT ALI SAHAR

Petitioner : Asadullah through Barrister Jawad Ahmed Qureshi, Advocate.

Respondents: Through Mr. Abdullah Khan Leghari, Advocate along with M/s. Syed Muhammad Raza Shah and Ghulam Muhiuddin Kumbhar, Controller and Deputy Registrar of Mehran University of Engineering & Technology Jamshoro.

Mr. Rafique Ahmed Dahri, A.A.G. Sindh.

Date of Hearing : 08.05.2025

Date of Decision : 08.05.2025

JUDGMENT

RIAZAT ALI SAHAR J: - Through this judgment, we propose to decide the instant constitutional petition filed by the petitioner, with the following prayers:-

- A.** *Direct the respondents to issue pass certificate and all other relevant documents such as degree, transcript of the petitioner as the petitioner has successfully passed the Degree of Bachelor of Studies in English having cleared all the semesters.*
- B.** *To declare that act of withholding the pass certificate by the respondents is blatant violations of the fundamental rights of the petitioner.*
- C.** *To declare petitioner has passed in 4th semester summer exam.*

D. Grant any other relief which is deemed appropriate under / in the circumstances of this case.

2. The petitioner, a student enrolled in the Bachelor of Studies in English program at the respondent university (MUET), avers that he was admitted on 06.01.2020 under Roll No. 19BSE24 and Enrollment No. 55858. He attended regular and summer semesters and successfully completed all required coursework over four academic years. His performance across seven semesters is duly recorded through valid certificate numbers issued by the university. The mark sheet for the 8th semester, as per the university's standard practice, is issued only upon the printing of the final transcript following the issuance of the pass certificate. The petitioner asserts that the final examinations were concluded and results announced on 05.09.2024. After clearing all dues and obtaining a no-dues certificate, the petitioner submitted the requisite challan No. 411527 dated 14.02.2025 and was issued a receipt confirming collection of the pass certificate on 28.02.2025. However, prior to the scheduled date, the petitioner was verbally informed that an objection had been placed against the issuance of his pass certificate on the ground that he had failed the subject "Introduction to Grammar & Syntax" in the 4th Summer Semester. The petitioner contested this assertion by approaching his department and instructors, who confirmed that he had appeared in and passed the subject in question. A result showing an "A" grade was also provided. Upon further inquiry, Mr. Aijaz Brohi, Senior Software Engineer in the examination branch, confirmed that although the petitioner had passed, a failure was recorded due to an alleged attendance shortage, his attendance being calculated at 67%, falling below the required 75%. The petitioner stated that, under university policy, a student is not allowed to appear in an exam without

fulfilling the eligibility criteria, including minimum attendance. Therefore, once permitted to sit for the examination, the question of attendance deficiency loses relevance. He has also stated that during summer semesters, attendance is manually maintained and often not accessible to students. In his case, the attendance was allegedly taken manually and not uploaded to the university's portal as is done during regular semesters. Despite repeated efforts including meetings with faculty, the Controller of Examinations, the Vice Chancellor and the Pro-Vice Chancellor, the petitioner was unable to obtain redressal of his grievance. His teachers and department officials orally acknowledged that he had appeared in the exam, passed with distinction and fulfilled academic requirements. The refusal to issue the certificate was based solely on the disputed attendance record, which was neither verifiable nor disclosed to the petitioner despite multiple requests. The petitioner further submitted a certified copy of the semester rules of MUET, which stipulate that a student is allowed to appear in the semester examination only after verifying eligibility, including 75% attendance, submission of exam forms and production of a character certificate and enrollment card. As the petitioner was allowed to appear and later awarded 39 out of 40 marks in sessional work and mid-semester assessments, he stated that the university's own procedures confirm that he was eligible. The petitioner has also highlighted the negative impact of the non-issuance of the pass certificate, particularly in relation to ongoing job applications and the SPSC subject specialist recruitment process, which requires submission of final academic documents. The continued withholding of the certificate, despite no active dispute over exam performance, is causing irreparable harm to his academic and professional future. Hence, the petitioner filed instant petition.

3. In response to the Court's notice, the respondents filed comments wherein they raised preliminary objections that the petitioner failed the subject *Introduction to Grammar & Syntax* in the 4th semester and was later provisionally allowed to appear in the summer semester examination along with five other students, with the result being announced provisionally subject to fulfillment of eligibility criteria. However, the petitioner was ultimately declared ineligible and failed due to shortage of attendance, having attended only 32 out of 48 classes 67%, whereas the required attendance is 75% with a permissible condonation of 5%. The respondents stated that provisional permission to sit in examinations is a routine academic practice, intended to safeguard students' futures and had been extended to the petitioner in earlier instances, including his provisional admission subject to intermediate clearance and possible eligibility to appear in SPSC exams without submitting his pass certificate. They claimed that the documents annexed by the petitioner, such as the award list and theory ledger, are unauthenticated, manipulated and bear no official signature, thus lacking legal value. They further alleged that the petitioner concealed material facts, approached the Court with *mala fide* intent and failed to come with clean hands. The petitioner had previously failed in 11 subjects, clearing 10 of them through the summer semester under the same procedures he now challenges, but never objected to such processes until failing in this particular subject. The respondents clarified that issuance of no dues and pass certificate challans is an administrative process unrelated to exam clearance and that the challan is generated through the university's website, submitted with the fee and processed only after verifying the student's eligibility. They asserted that when the petitioner was informed of an objection on 24.02.2025, he failed to resolve it and instead returned on 26.02.2025 to collect

the certificate. The final result, including his failure, was made public via the Examination Department's official Facebook page on 07.03.2023, and respondent No.3, after verifying the record, informed the petitioner and his brother that he was ineligible due to shortage of attendance. They stressed that the University operates year-round and reiterated that the petitioner's claim lacks merit, as he has approached the University nearly three years after the failure without valid justification. Therefore, the respondents prayed for dismissal of the petition on the grounds that it is false, baseless and tainted with malice.

4. The petitioner, in his rejoinder to the objections of the respondents', categorically denied the preliminary objections raised and stated that the contents of the respondents' counter affidavit are false, frivolous and based on misconceived facts intended to misguide the Court and deprive him of his pass certificate. He contended that the respondents failed to correctly calculate his attendance, as evident from the record showing his presence in the Mid-Term Examination held on 06.07.2022, which he passed according to the mark sheet issued by the university, despite being marked absent in the attendance record for that day. He further submitted that he appeared in the final semester exam of the subject *Grammar & Syntax* on 23.07.2022 and obtained 48 out of 60 marks. The final result, according to the petitioner, was communicated to him by Sir Fayaz on 26.02.2025 and earlier by Madam Nazia, the concerned subject teacher, who informed him that he had secured 87 marks and passed the subject. He emphasized that the respondents are not explicitly stating that he failed the subject but are instead claiming ineligibility to sit for the exam. The petitioner pointed out discrepancies in the attendance records, particularly during 08 to 12 July 2022, when he was marked absent despite those being public holidays declared for Eid-ul-Azha, while his classmates were marked present. He

argued that correcting these uncertainty would reflect sufficient attendance, making him eligible for the exam. The petitioner highlighted the urgency of his situation by stating that he appeared in the written examination for the post of Subject Specialist English conducted by the Sindh Public Service Commission on 13.02.2025, passed the test (as per result announced on 28.04.2025), and is listed at Serial No. 178 and his interview is scheduled for 12.05.2025. He stressed that his career is at serious risk due to the university's mismanagement and failure to accurately reflect his academic record.

5. Learned counsel for the petitioner contended that the petitioner was a *bona fide* student of the respondent university and had successfully completed all semesters of the Bachelor of Studies in English program. He submitted that the petitioner had appeared in and passed the subject ***“Introduction to Grammar & Syntax”*** during the 4th Summer Semester and had been awarded 87 marks, as confirmed by the concerned faculty members. Learned counsel contended that the objection regarding attendance shortage was raised only after the petitioner cleared all dues and collected the receipt for issuance of his pass certificate. He further contended that under the university's own rules, a student cannot be allowed to sit for an examination unless eligible, including minimum attendance criteria, hence the petitioner's appearance itself negated the ineligibility claim. Learned counsel pointed out anomalies in the attendance record, including marking the petitioner absent on public holidays while others were marked present, casting doubt on the reliability of the data. He submitted that no documentary evidence was ever shared with the petitioner to substantiate the attendance shortfall. He further contended that the petitioner had been provisionally permitted to sit in other exams earlier without any subsequent objections. Learned counsel for the petitioner also contended

that the denial of the pass certificate, despite oral confirmation by faculty and issuance of all other semester results, was arbitrary and violated the petitioner's fundamental rights. Learned counsel stressed that the petitioner is now facing irreparable harm, especially in view of his upcoming interview for the SPSC Subject Specialist English post. He prayed that the Court direct the respondents to issue the pass certificate and declare that the petitioner had rightfully passed all examinations and was eligible for the award of his degree.

6. On the other hand, learned counsel for the respondents contended that the petitioner failed to fulfill the mandatory attendance requirement of 75%, having attended only 32 out of 48 classes, amounting to 67%, and even with permissible condonation, fell short of eligibility. He contended that although the petitioner was provisionally allowed to appear in the summer semester exam as part of routine academic practice, the final result was subject to scrutiny of eligibility. He stressed that the petitioner was aware of this condition and was informed of the objection before the issuance of the certificate. According to him, the university maintains that attendance record which is accurate and verifiable through class registers and was not manipulated. Learned counsel further contended that documents presented by the petitioner, such as award sheets and internal communications, lacked authentication and bore no official signatures; thus, the same had no legal validity. He has further contended that the petitioner had previously failed multiple subjects and never objected to the summer semester procedures, which now formed the basis of his current grievance. Learned counsel also contended that issuance of a no dues certificate or a challan receipt did not guarantee entitlement to the pass certificate, as administrative processing is subject to fulfillment of all academic requirements. He contended that the university operates continuously, including

periods claimed by the petitioner as public holidays. The learned counsel has further contended that the petition was filed with *mala fide* intent, lacking merit and is liable to be dismissed.

7. Learned A.A.G., Sindh has contended that the academic institutions are best suited to regulate their internal matters, including eligibility and assessment criteria. He submitted that judicial intervention in academic evaluations should be limited unless *mala fide* or illegality is apparent.

8. We have heard the learned counsel for the petitioner, the learned counsel for respondents, learned Assistant Advocate General Sindh and carefully examined the record available on file.

9. On meticulous examination of the record, we find that the main bone of contention from the respondents is that the petitioner failed to meet the 75% minimum attendance with general condonation requirement as per Section 13 of MUET Regulations and therefore he was ineligible to appear in the summer semester examination. However, we have had a look at regulation 9.4 (Regulations for Semester System) which clearly states that “all qualifying rules for Fall/Spring semesters will be applicable to Summer Semester.” This includes verification of eligibility prior to examination. Importantly, MUET own Semester Rules (**Clause 14.2**) require the teacher to submit and display provisional results within five days of the final exam, indicating that eligibility screening must precede the exam, not follow it. The petitioner was allowed to sit in both mid-term and final exams, was evaluated and awarded marks and facts not denied by the university. The university thus implicitly accepted his eligibility and any claim of ineligibility due to attendance post-evaluation contradicts its own operational procedures and academic due process. Moreover,

discrepancies such as the petitioner being marked absent on public holidays during Eid-ul-Azha, with effect from 08th July to 12th July 2022, while classmates were marked present, which raises serious doubts about the reliability of the attendance record.

10. As per **Clause 14.1 and 14.3** of the MUET Semester Regulations, assessments and grade reporting are the responsibility of instructors and results must be communicated promptly. In the instant case, the petitioner was informed by multiple teachers, including *Sir Fayaz and Madam Nazia* that he had passed the subject with high marks up to 87%. He was even issued a No Dues Certificate and submitted a valid challan to collect his pass certificate which steps confirm that he was procedurally and administratively considered a graduate.

11. The respondents' action to retroactively challenge eligibility long after the evaluation and result communication violates the principle of legitimate expectation and destabilizes the finality of academic assessment. The absence of a formal departmental review as required under **Regulation 20** or a written decision declaring him ineligible further renders the action procedurally flawed and ultra vires. The refusal to issue the petitioner's pass certificate is causing direct, documented harm to his career. He has passed the written examination of Sindh Public Service Commission and is listed at Serial No. 178 for the post of Subject Specialist English, with an interview scheduled imminently. *Prima facie*, the withholding of his academic documents, in the absence of a formal, documented failure or disqualification, constitutes a violation of his constitutional rights under Articles 18 and Article 9 of the Constitution of Islamic Republic of Pakistan, 1973. The action of the university is, therefore, not only academically unsound but also constitutionally impermissible, as it creates an unjustified

barrier to the petitioner's employment and professional advancement.

12. M/s. Syed Muhammad Raza Shah and Ghulam Muhiuddin Kumbhar, Controller and Deputy Registrar of Mehran University of Engineering & Technology, Jamshoro, appeared before this Court. However, upon inquiry, the Controller failed to clearly explain the specific days of the petitioner's absence. He only submitted an attendance sheet in which, somewhere the petitioner's **Roll No.19BSE24** does not appear. The ledger he produced was an Excel Format Document without printed "page numbers". Moreover, he did not provide the Manual Attendance sheets that were originally filled out by the teachers.

13. We consider that the University is best suitable to regulate its internal matters, including eligibility and assessment criteria, we find it appropriate that the instructions being autonomies to interpret and enforce their academic policies, provided such actions are not arbitrary, discriminatory, or violative of principles of natural justice. The record in the present case reveals that the petitioner was allowed to appear in the examination and he was awarded marks on merit; and as per petitioner he was orally informed by faculty of his successful performance. The failure was recorded solely on the ground of attendance shortage, which, as noted, is mired in procedural ambiguities and inconsistent documentation, including marking the petitioner absent on public holidays. The petitioner also cleared all other academic requirements, obtained a No Dues Certificate, and paid the requisite challan for issuance of his pass certificate. These facts collectively create a strong presumption in favour of his academic standing and eligibility. Accordingly, while respecting the institutional framework of the respondent-University, we

deem it appropriate to dispose of this petition with certain directions aimed at balancing institutional autonomy with the need to ensure that academic processes do not become instruments of injustice. These directions are issued with the expectation that the competent authorities of the University, particularly the Vice Chancellor, will act with sensitivity, fairness and due regard to the peculiar facts of this case and the potential impact on the petitioner's professional future.

14. We now in view of paras No.9 to 13 (supra) direct the Vice Chancellor, Mehran University of Engineering & Technology, Jamshoro to constitute a Committee headed by him and reconsider the case of petitioner, which shall conclude its proceedings within twenty (20) days from the date of this order under intimation to this Court through Additional Registrar.

15. The petition stands disposed of in the above terms.

JUDGE

JUDGE