

IN THE HIGH COURT OF SINDH, KARACHI

C. P. NO. D-2062 / 2026
(Awais Ahmed Vs. Province of Sindh & Others)

Present:

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and order:- 18.08.2026.

Mr. Irfan Ahmed, Advocate for Petitioner.
Mr. Abdul Jalil Zubedi, Assistant Advocate General Sindh.
Mr. Iqbal Ahmed Jumani, Secretary(SEEF)

Adnan-ul-Karim Memon, J. The Petitioner Awais Ahmed has filed this Petitions under Article 199 of the Constitution of Islamic Republic of Pakistan seeking the following reliefs: -

“It is graciously submitted in this Court that this Court may kindly direct the respondent to consider case of petitioner on Orphan Quota 5% & Needy Student Quota 86% and provide Scholarship cheques of tuition fees for two years and he may be continued for rest of remaining three years so he may successfully complete his studies at Jinnah Medical & Dental College Karachi.”

2. The petitioner, Mr. Awais Ahmed, son of late Rafique Ahmed, a 3rd-year MBBS student at Jinnah Sindh Medical & Dental College, Karachi, has filed the instant Constitutional Petition seeking scholarship under the Sindh Education Endowment Fund (SEEF) on the grounds that he is an orphan, being the son of a deceased government employee, and belongs to a needy family. He asserts that his father, who served as HST (BPS-16) with time scale BPS-19 in the Education & Literacy Department, Government of Sindh, died in a road accident during service on 08.02.2019. The petitioner claims that he secured 92% marks in Intermediate, is dependent upon his mother's family pension, and was recommended by his college for the SEEF scholarship. He further contends that, despite the prescribed 5% orphan quota and 86% needy-student quota, his case was not considered and seeks payment of scholarship for the first two years of MBBS with continuation for the remaining period subject to satisfactory performance.

3. The respondents, in their para-wise comments, have opposed the petition and submitted that although the petitioner was initially recommended/placed in the provisional scholarship list, his academic record was subsequently verified and he was found ineligible as he secured 2.32 GPA in MBBS Part-I and 2.22 GPA in Part-II, against the minimum requirement of 60% marks or 2.5 GPA under the SEEF Trust policy. It is further stated that the Board of Trustees, in its meeting dated

24.02.2022, specifically decided that even orphan students or children of Shaheed parents having a GPA below the prescribed threshold would not be considered, as there could be no compromise on academic standards. The respondents further contend that the 5% orphan quota and 86% needy-student quota were duly maintained at the concerned medical college and that other eligible students were recommended accordingly. Therefore, the respondents have prayed for dismissal of the petition on the ground that the petitioner failed to meet the mandatory academic eligibility criteria for the scholarship.

4. We have heard the learned counsel for the parties present in court and perused the record with their assistance.

5. The petitioner seeks a direction for grant of SEEF scholarship based on his status as an orphan and a needy student; however, entitlement to such scholarship is not founded merely upon belonging to a preferential quota. The petitioner must also satisfy the mandatory academic eligibility criteria prescribed under the applicable SEEF policy.

6. The record shows that the petitioner obtained 2.32 GPA in MBBS Part-I and 2.22 GPA in Part-II, whereas the prescribed minimum is 60% marks or 2.5 GPA. Thus, his academic performance falls below the mandatory threshold. His initial recommendation or inclusion in a provisional list could not create a vested or enforceable right to scholarship where subsequent verification disclosed that he did not fulfil the prescribed eligibility conditions.

7. The contention regarding the 5% orphan quota and 86% needy-student quota also does not assist the petitioner. A quota operates among candidates who otherwise fulfil the eligibility requirements; it does not dispense with an essential academic qualification. The decision of the Board of Trustees dated 24.02.2022, whereby it was resolved that even orphan students or children of Shaheed parents would not be considered if their GPA remained below the prescribed minimum, further demonstrates that the academic criterion was intended to apply uniformly and without exception.

8. Moreover, under Article 199 of the Constitution, the constitutional jurisdiction of this Court is exercised to ensure that public authorities act in accordance with law, and not to substitute judicial discretion for that of a competent authority in matters governed by an applicable policy, particularly where the petitioner fails to establish violation of any statutory or vested right. No

material has been shown demonstrating that the respondents acted with mala fide, discrimination, arbitrariness or in violation of the governing scholarship policy. Rather, the respondents have applied the same academic standard to the petitioner and other similarly situated candidates.

9. The petitioner's circumstances undoubtedly evoke sympathy, particularly his status as an orphan and his financial difficulties; nevertheless, sympathy cannot override an express eligibility condition contained in the governing policy. Any relaxation of the minimum GPA, if permissible at all, would fall within the domain of the competent authority and cannot ordinarily be directed by this Court in exercise of constitutional jurisdiction.

10. Accordingly, as the petitioner admittedly failed to attain the minimum academic requirement of 2.5 GPA/60% marks, he cannot claim scholarship merely based on the orphan or needy-student quota. The respondents' decision is consistent with the applicable policy and does not disclose any illegality, arbitrariness or jurisdictional defect warranting interference under Article 199 of the Constitution. The petition is, therefore, dismissed, along with the pending applications, if any.

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