

Judgment Sheet
PESHAWAR HIGH COURT, BANNU BENCH
(Judicial Department)

WP No.781-B/2025

Zafar Ullah

Vs

**Chairman,
BISE, Bannu, etc.**

JUDGMENT

For petitioner(s): **Mr. Shabir Ahmad Khan Advocate**

For respondent(s): **Mr. Matiullah Jan Khan Advocate**

Date of hearing: **25.11.2025**

MUHAMMAD TARIQ AFRIDI, J.- Through the instant writ petition, filed under Article 199 of the Constitution, the petitioner has prayed for the following relief:

“On acceptance of the instant writ petition, the action of the respondents in withholding the petitioner’s result be declared illegal, arbitrary, void and without lawful authority, and the respondent-board be directed to immediately release and notify the petitioner’s result having Roll No.802724 and restrain the respondents from taking any adverse action against the petitioner regarding this examination attempt.”

2. Briefly stated, the facts of the case, as pleaded in the writ petition, are that after passing his examinations of Part-I and Part-II of HSSC, the petitioner submitted an improvement form, which was duly accepted by the Board of Intermediate and Secondary Education (BISE), Bannu. Consequently, Roll Number Slip bearing No.802724 was issued to him, thereby permitting his appearance in the HSSC Annual-II Examination 2024 for the purpose of improving his marks. It is further averred that the petitioner accordingly appeared in the said

improvement examination under Roll No.802724, however, the Board subsequently withheld his result, with the remark "Multiple Improvements Not Allowed." The petitioner contended that he was never informed of any restriction on multiple improvements, nor was any such bar mentioned in the admission form or Roll Number Slip. Rather, the Board accepted his improvement form and permitted him to take the examination. It is further averred that the petitioner has been preparing for the Medical and Dental Colleges Admission Test (MDCAT) for more than two years, and the improvement attempt was crucial for securing admission to medical colleges, as he performed exceptionally well. The withholding of his result, therefore, is alleged to be arbitrary, discriminatory, and without lawful authority, causing irreparable loss at this decisive stage of his academic career, which has constrained him to invoke the constitutional jurisdiction of this Court through the present writ petition.

3. Arguments heard. Record perused.

4. Learned counsel for the petitioner submits that the impugned action of the Board in withholding the petitioner's result is wholly arbitrary, discriminatory, and without lawful authority. He submits that after the petitioner passed his HSSC Part-I and Part-II examinations, the BISE, Bannu permitted him to submit an improvement form, accepted the same, and issued Roll Number Slip bearing No.802724 authorizing his appearance in the Annual-II Examination 2024. Learned counsel contends that once the Board accepted the form and issued the Roll Number Slip, a legitimate expectation arose that the petitioner's attempt would be duly recognized and his result declared. He further contends that no restriction on multiple improvements was ever communicated to the petitioner, nor was any such condition or bar mentioned in the Admission

Form or Roll Number Slip. The petitioner appeared in the examination in good faith, performed exceptionally well, and his improvement result is indispensable for securing admission to medical colleges, particularly in view of his outstanding MDCAT score of 164 out of 180, for which he has been preparing for more than two years. He added that the withholding of the result without issuing any notice, show-cause, or affording an opportunity of hearing is violative of Articles 4, 10-A, and 25 of the Constitution, which guarantee treatment in accordance with law, fairness, due process, and equality before law. He maintains that the respondents, having allowed the petitioner to sit in the examination, cannot subsequently deny him the fruit of his effort on undisclosed grounds, and such conduct amounts to mala fide exercise of power. He, therefore, prays that the impugned action be declared void and the respondents be directed to release and notify the petitioner's result forthwith, and they be restrained from taking any adverse action against him in respect of this examination attempt.

5. Conversely, learned counsel for the respondent-Board submits that the petitioner has already availed two improvement attempts, and under the prevailing rules and policy, no candidate other than a third-division holder is entitled to more than two chances of improvement. He further submits that the petitioner, having improved his marks in the Annual-II Examination 2023 and again in the Annual-I Examination 2024, was not eligible to appear in the Annual-II Examination 2024 for a further improvement attempt. Learned counsel further contends that the remark "Multiple Improvements Not Allowed" recorded against Roll No. 802724 is in strict conformity with Rule 20 of Chapter-V, Part-II of the Calendar of Boards of Intermediate and Secondary Education, Khyber

Pakhtunkhwa, as well as the uniform policy adopted by the Khyber Pakhtunkhwa Boards Chairmen Committee (KPBC) in its 239th meeting held on 29.05.2023, reaffirmed in the 49th Board Meeting on 03.11.2023, and again in the 268th meeting held on 12.10.2025. He further contends that Rule 20 clearly restricts improvement opportunities to two successive examinations, whether annual or supplementary, and that the petitioner has already exhausted that statutory right. He adds that the issuance of a Roll Number Slip in the present case was based on concealment of facts by the petitioner and, therefore, it does not confer any vested right upon him to seek declaration of his result contrary to the governing rules and policy. He concludes that the writ jurisdiction of this Court cannot be invoked to compel the Board to act in violation of its statutory calendar and uniform policy decisions, which are binding on all Boards in the province and accordingly prays for dismissal of the petition.

6. The sole question requiring determination in the present writ petition is whether the Board acted lawfully in withholding the petitioner's result on the ground that multiple improvement attempts are not permissible notwithstanding that his improvement form had been accepted and roll number 802724 had been issued to him? For proper appreciation, it is expedient to reproduce Rule 20 of Chapter-V, Part-II of the Calendar of Boards of Intermediate and Secondary Education, Khyber Pakhtunkhwa, which reads as under:

"20. It was decided that the candidates may be allowed to improve any part i.e. either Part-I or Part-II after passing Part-I & Part-II examination they can appear for improvement of Division in Part-I & Part-II together before taking next higher examination in any of the two successive Intermediate Examination (Suppl: or Annual)."

7. A plain reading of Rule 20 makes it clear that the right of improvement is not unfettered. It is confined to two successive examinations, whether annual or supplementary, and must be exercised before proceeding to the next higher examination. The rule, thus, creates a limited statutory entitlement, circumscribed both by the time within which it may be exercised and the number of permissible attempts. It is a settled principle of law that where a statute prescribes a particular manner for the exercise of a right, it must be exercised in that manner alone, or not at all.

8. The record produced by learned counsel for the respondents demonstrates that the petitioner has already availed two improvement attempts. Initially, he appeared in the Annual-I (Part-II) Examination 2023 under Roll No.407132 and secured 938 marks. Thereafter, in the Annual-II (Part-II) Examination 2023 under Roll No.802428, he improved his marks to 947. Again, in the Annual-I (Part-II) Examination 2024 under Roll No.418244, he further improved his marks to 971. His subsequent appearance in the Annual-II (Part-II) Examination 2024 under Roll No.802724 constituted a third attempt, which clearly falls beyond the permissible scope of Rule 20.

9. The Khyber Pakhtunkhwa Boards Chairmen Committee (KPBCC), in its 239th meeting held on 29.05.2023, adopted a uniform policy permitting candidates other than those placed in third-division only two improvement attempts, without any time restriction, provided they had not taken a higher examination. This policy was reaffirmed in the 49th Board Meeting of BISE Bannu on 03.11.2023 and again in the 268th meeting of the KPBCC held on 12.10.2025, thereby binding all Boards in the province to a uniform standard. It is a well-established principle that policy decisions taken by competent

academic bodies in the exercise of their statutory functions are entitled to judicial deference, unless shown to be mala fide or ultra vires.

10. This Court is fortified in its view by the principle laid down in **Khyber Medical University and others v. Aimal Khan and others** (PLD 2022 SC 92), wherein the august Supreme Court held that Courts must exercise restraint in interfering with matters pertaining to internal governance and academic policy, which fall within the specialized domain of educational institutions. The uniform policy of the KPBCC restricting improvement attempts to two, is squarely within the domain of academic autonomy and warrants deference.

11. The contention of the petitioner that issuance of a roll number slip created a legitimate expectation is misconceived. The doctrine of legitimate expectation, though recognized in administrative law, cannot override express statutory provisions or confer a right contrary to law. Mere issuance of a roll number slip, that too, in violation of the governing rules and policy, does not create any vested right in favour of a candidate to seek declaration of result. Courts have consistently held that estoppel cannot operate against statute. Reliance is placed on **Mst. Haseena Bibi Vs Abdul Haleem** (PLD 2024 SC 291).

12. The plea of violation of fundamental rights is equally untenable. The right to education and the right to fair treatment are subject to reasonable regulation imposed by statutory bodies. Where the governing rules restrict improvement attempts to two successive examinations, the petitioner cannot claim a constitutional entitlement to a third attempt. Article 4 of the Constitution guarantees treatment strictly in accordance with law, not in derogation of it. Article 10A ensures fair trial and due process, but due process cannot be invoked to compel an authority to act contrary to its statutory mandate. Article 25

guarantees equality before law, however, equality demands uniform application of rules, and the policy restricting improvements attempts to two applies equally to all candidates.

13. For the foregoing reasons, this Court finds no merit in the writ petition, as the petitioner has already exhausted the improvement opportunities permissible under Rule 20 as well as under uniform policy of the KPBCC, and his third attempt is accordingly without lawful sanction. The writ petition, being devoid of merit, is accordingly dismissed. Consequently, the interim relief granted to the petitioner vide order dated 18.11.2025 stands vacated.

Announced

25.11.2025

SCANNED

02 DEC 2025

Khalid Khan

25/11/2025