



DECISION

Complaint No. : **POS/987/2024/J-08.**

Name and address of the complainant : Mr. Mehran Khan S/o. Ghulam Rasool,
R/o. House No. A-2159, Phase-II, Gulshan-e-Hadeed,
Bin Qasim, Karachi.

Name of the Agency Complained against : **Sindh Higher Education Commission.**

Name & Designation of Investigating Officer : Muhammad Misbah Tunio
Advisor-J

Vetted by :

Subject : **ALLEGED NON-RESPONSE BY HAMDARD UNIVERSITY TO SCRUTINIZE THE PAPER OF "CRIMINAL PROCEDURE CODE-I" OF THE COMPLAINANT.**

THE COMPLAINT

Mr. Mehran Khan, filed a complaint on 16.02.2024 and stated there in that he was student of L.L.B Faculty of Law, Hamdard University, Karachi. He was aggrieved by the policies and procedures followed by the University, due to which he has been thrice declared fail in the subject of Criminal Procedure Code-I. He applied for scrutiny of his paper for a fair review, but no response was given to him. He alleged that the policies enforced by the Faculty of Law, Hamdard University were non-compliant with guidelines set by Pakistan Bar Council and the Higher Education Commission. He requested that the Agency should take following actions:-

- A) Conduct scrutiny of paper of Criminal Procedure Code by an authorized person appointed by the Vice Chancellor of the University and a member of the examination department.
- B) Review and assess the alignment of the University's policies and procedure with the Legal Education Rules of Pakistan Bar Council and the guidelines set by the Higher Education Commissioner.
- C) Take more lenient and supportive approach towards students facing academic challenges, possibly exploring the option of a summer semester for such students.

- D) Encourage a transparent and timely communication process regarding results after scrutiny of papers.

PROCEEDINGS

2. The complaint was admitted under Section 10 of the Establishment of Office of Ombudsman for the Province of Sindh Act, 1991 (amended up-to-date) subject to submission of copy of CNIC, Affidavit on Form-A and after condoning the delay.

3. The matter was taken up with the Agency for report/ comments. In response, the Registrar, Hamdard University, Karachi vide report dated 18.03.2024 informed that complainant appeared in examination of Spring 2023 and failed in papers of Civil Procedure Code (C.P.C)-I and Criminal Procedure Code (Cr.P.C)-I. Hence he was given second chance to clear both the papers in Supplementary Examination, but he again failed.

4. As per Pakistan Bar Council's Legal Education Rules, 2015, the complainant was given last chance to clear the subjects by appearing in the Examination of Fall, 2023, he passed C.P.C-I., but was again failed in Cr.P.C-I. Due to failure in Cr.P.C-I, even after three chances, his name was dropped from the roll of the students of Faculty of Law.

5. As per policy of the University, a student can not be promoted to the next level unless all the subjects in which he was previously declared fail were cleared. The Registrar further added that the Paper Scrutiny Committee, consisting of Assistant Professor, Lecturer and Assistant Controller of Examinations, decided that the marks given to the complainant were correct and required no further action and same was informed to the complainant, but he had concealed this fact from this office.

6. The complainant in his rejoinder dated 28.03.2024, reiterated his earlier version and requested for redressal of his grievance.

7. The Rule 12 (ii) and (iii) of the Pakistan Bar Council Legal Education Rules, 2015 says that :

- (ii) Only failed candidates and those placed in compartment shall be allowed to avail the Supplementary Examination. However, a

student placed in compartment shall not be permitted to appear in the next higher examination without having passed all the papers in which he had failed.

- (iii) The student who fails thrice in an examination shall be debarred from appearing in further examination.

FINDINGS.

8. After perusal of available record, papers and rules submitted by the both the parties during proceedings and hearings, it transpired that:

- a) As per Pakistan Bar Council Legal Education Rules, 2015, the complainant was provided three chances to clear the papers but he failed; hence his name was dropped from the roll of the students of Faculty of Law, Hamdard University.
- b) The paper of the complainant was also scrutinized by the Paper Scrutiny Committee, consisting of Assistant Professor, Lecturer and Assistant Controller of Examination and the committee found that the marks awarded to the complainant were correct and required no change.
- c) The complainant has failed to establish any act of maladministration on the part of the Agency.

DECISION.

9. In view of the above, the complaint is rejected as it merits no consideration and consigned to record.

“Given under my hand and seal of office”—



(MUHAMMAD SOHAIL RAJPUT)

Sitara-e-Imtiaz. PAS

Ombudsman, Sindh

Karachi, dated 25th November, 2024.