

are in their concepts. Students who are clear about the answer have double advantage in such questions.

xix. The observation of the applicant is wrong and the correct option is (b) as provided in the key.

Both the relevant provision and the question is provided below
40. "Offence": Except in the chapters and sections mentioned in clauses 2 and 3 of this section, the word "offence" denotes a thing made punishable by this Code.

The question is:

The word 'offence' is defined by the Pakistan Penal Code, 1860 as:

- a. The act or omission punishable by any law enforceable in Pakistan.
- b. A thing made punishable by this Code.
- c. Both a & b
- d. None of the above

The observation, that the correct answer (c) is wrong, and, hence rejected.

xx. The observation of the applicant is wrong and, hence rejected.
The question is copied here:

Dhimmi is:

- a. A non-Muslim visitor to *Dar al-Islam*.
- b. A permanent resident of *Dar al-Harb*.
- c. Both of the above
- d. None of the above

The applicant's plea that the right answer to the question is (a), is wrong. A non-Muslim visitor to *Dar al-Islam* is not a *Dhimmi*. *Zammi* is a non-Muslim citizen of an Islamic state and not a visitor. *Herb* is granted protection in an Islamic state, and enjoys all facilities as equal citizen of an Islamic state.

Therefore, the right answer to the question is (d) i.e. none of the above, as provided in the answer key.

7. That the contents of Para No.7 are denied as stated and facts are already explained in Para 06 above. No compensation is admissible beyond one mark given to all candidates for Q. No. 80 of Yellow Questions Booklet.

8. That the contents of Para No.8 are not related to the answering question.

9. That the contents of Para No.9 are denied as stated. All the observations received from different quarters were reviewed by the paper setter in detail and compensation of one mark was given to all the candidates for Q. No. 80 of Yellow Questions Booklet and no further compensation is permissible to the petitioners.

10. That the contents of Para No.10 are denied as stated. Test construction was strictly in accordance with the curriculum proposed by Honorable Supreme Court of Pakistan and conveyed by Pakistan bar Council.

each:

Sr. No.	Observation	Comments of Paper Setter
1.		Reply is given below
2.		Reply is given below
3		Reply is given below
4		Reply is given below
5		Reply is given below
6		Reply is given below
7		Reply is given below
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15		Reply is given below
16		Reply is given below
17		Reply is given below
18		Reply is given below
19		Reply is given below
20		Reply is given below

xii. The question put on "French Constitution" is again within the scope. The curriculum of HEC attached in Part 1 clearly provides that there should be questions on "world Constitutions". World Constitution does not denote the constitution of USA and British Constitutions only. Students graduating law must be familiar with the constitutional systems and constitutional structures in the world. In Law schools, broader overview is given with special focus on US constitution, UK, India and other important European Constitutional Structures. France is one of the leading countries of the Civil Law family. The question paper made is based on the curriculum provided.

xiii. The Argument is rejected.

xiv. The observation of the applicant is meaningful, and hence accepted.

S. 28 of the Limitation Act does not extinguish the right in;

a. Suits

b. Appeals

c. Execution applications

d. **None of the above.**

There was a clerical mistake in the answer key, in this question. The answer mentioned was (c) that was wrong. The actual answer is (d). Students who have opted for choice (d) must be given marks.

xv. The Argument is rejected

xvi. The Argument is rejected

xvii. The observation of the applicant is wrong and rejected. Both the questions* are provided below for clarification.

1. *Persona non grata* means;

a. Person of 19th grade or above

b. Person who appears as an agent in dealing with third person

c. **A diplomat who is undesirable and declared as such by a country**

d. An official person

2. *Persona non-grata* means:

a. A person who is prosecuted by the International Criminal Court.

b. A refugee who poses a threat to national security of a state.

c. Both of them


d. **None of the above**

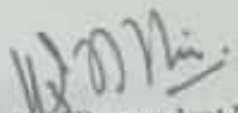
xviii. Both in above Questions, the question is same, and the multiple choices are different. (*Persona non grata* refers to a 'Diplomat who is undesirable, declared by a country'). In Q no. 1 the answer is (c), and in Q no. 2 the answer is (d). Such types of questions are usually put to test the understanding of applicants, how certain they

11. That the contents of Para No.11 are denied as stated. Paper setter has constructed the test using pool of questions received from different sources.
12. That the contents of Para No.12 are denied as stated. Curriculum proposed by Honorable Supreme Court of Pakistan and conveyed by Pakistan bar Council has widely been circulated and made public for information of candidates to prepare for LAW GAT accordingly.
13. That the contents of Para No.13 denied as stated and already explained above.
14. Question Bank development is a continuous process which enrich and swells over the time. This bank is based on defined curriculum and items/questions cannot be exposed to the applicants prior to test.
15. That the contents of Para No.12 are denied as stated and explained above.
16. Denied as stated. As already explained in comments of Paras 6, 7, 9 & 10, no additional compensation is permissible to the petitioners.

Prayer:

In view of the above submission, it is humbly requested to dismiss the petition in hand with cost to meet the ends of justice.

Through 
Fakhar Raza Malana
Advocate High Court
Legal Counsel
Higher Education Commission


On behalf of Respondent No. 1 to 3
Higher Education Commission
Shahzaib Abbasi
Director
Higher Education Commission
Regional Centre, Lahore

IN THE LAHORE HIGH COURT MULTAN BENCH MULTAN

W.P No. 14339/2020

Aqib Javeed etc

VS

Higher Education Commission, etc

Compliance Report on behalf of Respondent No. 1 to 3 (Higher Education Commission) H-9, Islamabad,

Respectfully sheweth,

1. That the petition in hand is not maintainable because there is alternate remedy available to the petitioner in shape of filing of appeal before the competent authority.
2. That the petitioners has not come before this Honourable Court with clean hands hence the petition in hand is liable to be dismiss.

REPORT & COMMENTS

1. That the contents of Para No.1 needs no reply.
2. That the contents of Para No.2 needs no comments.
3. That the contents of Para No.3 are admitted.
4. That the contents of Para No.4 are admitted.
5. That the contents of Para No.5 are denied to the extent that MCQs were out of course with reference to curriculum defined by the Honorable Supreme Court of Pakistan and conveyed by the Pakistan Bar Council for Law GAT. Needless to mention that this curriculum is available on HEC website for information of all candidates. Moreover, after each test, HEC uploads answer key of each paper on website enabling the candidates to compare their answer sheets and to submit observation(s), if any. Observations received (if any) are sent to the paper setter/experts for their comments. If any observation is found valid and discrepancy is found, all the candidates are given full credit for such MCQ(s).
6. That the contents of Para No.6 are denied as stated. Observations received from the candidates were sent to the paper setter/experts and were found without substance. Only one MCQ (Q. No. 80 of Yellow Questions Booklet) was found ambiguous in terms of overlapping options/distractors and thus full credit (one mark) was given to all the candidates. Further, one observation of initial uploaded key was also found invalid for one MCQ (Q. No. 98 of Yellow Questions Booklet) and was changed from option "C to D". After addressing this anomaly, papers were evaluated

vi. The observation of the applicant is wrong and rejected.

The question is;

If withdrawal of prosecution is made after a charge has been framed, the accused shall get;

- a. Acquitted
- b. Convicted
- c. Both possibilities are there
- d. None of the above

vii. The Argument is rejected.

viii. The Argument is rejected.

ix. 'No one shall benefit from his own wrong'; 'no one shall be condemned unheard'; 'there shall be no punishment without law', are examples of

- a. Legal maxims
- b. Legal rules
- c. Legal principles
- d. Equity

The applicant's argument that all the choices were same and used interchangeably is really surprising.

Legal principles are the standards to be observed, because they are the requirement of justice fairness and other dimensions of morality (Dworkin in Taking rights seriously).

Legal rules and legal principles are not the same thing. Legal rules can be made

IN THE LAHORE HIGH COURT MULTAN BENCH MULTAN

W.P No. 14338/2020

Aqib Javed etc

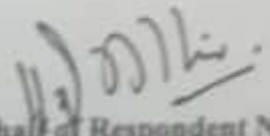
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On behalf of Respondent No. 1 to 3
Higher Education Commission

Through: 

Fakhar Raza Malana
Advocate High Court
Legal Counsel
Higher Education Commission

Shahzaib Abbasi
Director
Higher Education Commission
Regional Centre, Lahore