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**Judgment Sheet**

**IN THE LAHORE HIGH COURT, MULTAN BENCH,**  
**MULTAN**  
**(JUDICIAL DEPARTMENT)**

**Writ Petition No.17555 of 2021**

*Areej Fatima Vs PMCD Commission through its Chairman & 4 others*

**J U D G M E N T**

<b>Date of Hearing</b>	11.11.2021
<b>For petitioner</b>	Mr. Muhammad Faisal Bashir Advocate.
<b>Respondents by</b>	Mr. Abdul Salam Alvi Advocate

Areej Fatima (*petitioner*) by filing this writ petition has maintained that to get the admission in Medical College she secured 989 out of 1100 in Higher Secondary School Certificate Examination; respondents No.1 and 2 are creation of Pakistan Medical Commission Act 2020 (*Act*) and being regulatory authority of Medical Colleges formulated and promulgated PMC Medical and Dental Undergraduate Education (Admissions, Curriculum and Conduct) Regulations 2021 in exercise the powers vested under Section 8 of the Act; Section 3 of the Regulations describes the eligibility criteria for admission according to which every candidate must pass the medical dental college admission test (MDCAT); respondents in order to discharge their duty out sourced the entry test, which was participated by petitioner under Roll No.1091152 and she secured marks 115/210 which were enhanced to 135/210 during the course of post analysis; being dissatisfied from her result, petitioner preferred a review and again her marks were enhanced to 136/210 but she was declared as failed; acceding to official announcement on the official website of respondents the candidates who scored 65% marks in the test were eligible for admission in medical colleges; respondents without any justification settled the principles of mathematic regarding round off formula opted to fix 65% equal to 137/210. The ultimate version of petitioner was that as she secured 64.76% in the test, therefore, it shall be considered as 65%, hence petitioner was eligible for admission in medical college. She further had asked to declare her as successful and eligible candidate for applying the admission in medical college.

ATTESTED

EXAMINER  
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LAHORE HIGH COURT  
MULTAN BENCH MULTAN

2. Learned counsel for petitioner maintains that respondents cannot be allowed to consider the percentage by making interpretation according to their own assessment and once a percentage exceeds .5%, it has to be considered as a round for the next figure, hence petitioner who is a bright student and is having ambition for her future cannot be deprived from her lawful entitlement.

3. On the other hand learned counsel for respondents maintains that this issue has already been settled by this Court in a writ petition No.58199 of 2021.

4. **HEARD.**

5. Learned counsel for respondents has rightly referred the order dated 24.09.2021 passed by this Court in Writ Petition No.58199 of 2021 where identical question was raised when son of one Muhammad Akram having 64.7% marks had asked to consider it as 65%. This Court after taking into consideration had observed as under: -

*"Admittedly, the petitioner's son had attempted in MDCAT but unfortunately could secure 64.74% marks whereas it is not denied that the passing marks are 65%. Under the Regulations, there is no option to any authority to grant grace marks even to 0.0001% since the competition in the admission of medical colleges is very tough. Besides, the son of the petitioner has accepted the process of the competition and that is why he participated to obtain maximum marks. Undoubtedly, he is a bright student but all good students must strive to further improve them. The future of medical science lies in computer literacy as all the modern research and data access is possible through computer. It is not the case of the petitioner's son that defective TAB was provided to him that the computer screen was not functioning well. However, after when the process is over on 30<sup>th</sup> September, 2021, the petitioner can move appropriate application before the competent authority Reference may be given to order dated 20.09.2021 in W.P.No.55225 titled "Umme Sameen Vs. President Pakistan Medical Commission, Islamabad."*

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6. As question has already been decided and no different view can be taken, therefore, this writ petition is **dismissed.**

Sharif

(Sohail Nasir)  
Judge