

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

JUDICIAL DEPARTMENT

404 / Writ
10-Jan-2023

From,

The Deputy Registrar(Judicial),
Islamabad High Court,
Islamabad.

To,

1_PRESIDENT

PAKISTAN MEDICAL COMMISSION [PMC] MAUVE AREA, G-10/4 ISLAMABAD

2_HEAD, NATIONAL MEDICAL AUTHORITY [NMA]

PAKISTAN MEDICAL COMMISSION [PMC] MAUVE AREA, G-10/4 ISLAMABAD

3_VC

NATIONAL UNIVERSITY OF MEDICAL SCIENCES [NUMS] THE MALL, RAWALPINDI

4_VC,

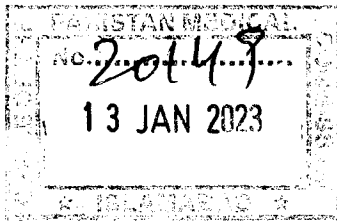
UNIVERSITY OF HEALTH SCIENCES [UHS] KHAYABAN-E-JAMIA, PUNJAB LAHORE 54600

Subject: W.P. 4709/2022 Misc. Other (SB)

Muhammad Asad Lashari-VS-PMC etc.

Dear Sir,

I am directed to forward for information and immediate compliance a copy of this Court's order dated 29-12-2022 passed by the The Honorable Chief Justice in the above noted case.



Yours Faithfully,

Assistant Registrar (Writ)

For Deputy Registrar (Judicial)

Decided Matter



13/1/23
4:00pm

①

BEFORE THE ISLAMABAD HIGH COURT
ISLAMABAD

W.P. No. 4709 /2022

Muhammad Asad Hussain Lashari son of Allah Bachaya Lashari
resident of Post Office Kala Khas, Tehsil & District Dera Ghazi
Khan.

... PETITIONER

VERSUS

1. Pakistan Medical Commission (PMC) through its President,
Pakistan Medical Commission, Mauve Area, G-10/4,
Islamabad.
2. National Medical Authority (NMA) through its Head,
Pakistan Medical Commission, Mauve Area, G-10/4,
Islamabad.
3. National University of Medical Sciences (NUMS), through
its Vice Chancellor, The Mall, Rawalpindi.
4. University of Health Sciences (UHS), through its Vice
Chancellor, Khayaban-e-Jamia, Punjab Lahore-54600,

... RESPONDENTS

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN
1973.**

Respectfully Sheweth:

1. That the petitioner is a lawful citizen of Pakistan who has
passed F.Sc. (Pre-Medical) from BISE, Dera Ghazi Khan,
through Special Examination-2021. (Copy is attached)

Filed to-Day Till 11:00 A.M.
No. 20492
17/12/22
Assistant Registrar (PJDL)

20288
12/13/22
Assistant Registrar (PJDL)

Form No: HCJD/C

JUDGMENT SHEET.
IN THE ISLAMABAD HIGH COURT,
ISLAMABAD.

Writ Petition No.4709 of 2022

Muhammad Asad Hussain Lashari
Versus

Pakistan Medical Commission (PMC) through its President,
Islamabad, etc.

Petitioner by : Mr. Khurram Ibrahim Baig, Advocate.

Respondents' by : Mr. Saad Khan Mayar, Manager
(Litigation) on behalf of PMC.
M/s Naubahar Hussain and M. Naveed
Sultan, Advocates for respondent No.3.
Mr. Amjad Hameed Ghouri, Advocate for
respondent No.4.

Date of Decision: 29.12.2022.

AAMER FAROOQ, C.J:- The petitioner is a candidate for admission in MBBS course for academic year, 2022-23. However, he passed his F.Sc. pre-medical examination in the year 2021. He is aggrieved of a public notice published by Pakistan Medical Commission, wherein, it is provided that the candidates, who passed their F.Sc. examination in the year, 2021 and are now applying for admissions in Medical Colleges for the Session 2022-23, their percentage would be calculated on elective subject marks. This publication was made apparently on the basis of policy decision dated 10.10.2022.

2. Learned counsel for the petitioner, *inter-alia*, contended that the petitioner is being discriminated inasmuch as the candidates, who passed F.Sc. examination in 2022 their percentage marks are being

calculated on the basis of all the subjects. It was submitted that the policy decision is not justifiable and lacks merit.

3. Learned counsel for the Pakistan Medical Commission contended that since the petitioner only sat for elective subjects in the F.Sc. examination, hence all such candidates are being adjudged on percentage of the referred subjects. It was contended that due to COVID-19 guidelines, only elective subjects were examined and in the compulsory subjects full marks were given.

4. Learned counsel for respondent No.4/University of Health Sciences, *inter-alia*, contended that the Hon'ble Lahore High Court as well as Hon'ble Peshawar High Court has dealt with the subject and have decided that the policy decision is correct.

5. Submissions made by the learned counsel for the parties have been heard and the documents placed on record examined with their able assistance.

6. The background leading to filing of the instant petition is mentioned hereinabove, hence need not be reproduced.

7. As noted above, the petitioner is aggrieved of policy decision dated 10.10.2022. The Provisional Result Examination Card issued by Board of Intermediate and Secondary Education, Dera Ghazi Khan evidencing the marks obtained by the petitioner shows that the petitioner was examined only in the elective subjects and in compulsory subjects, he was awarded full marks due to COVID-19 guidelines, however, such is not the position with respect to the examinations conducted in the year 2022 by the various examination boards of the country as COVID-19 measures have ceased to exist and the candidates appearing in such examination for all the subjects. In

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case, the petitioner's percentage average is calculated on the basis of all the subjects that would put the students sitting in 2022 examination at a disadvantage inasmuch as the petitioner obtained full marks in the compulsory subjects, whereas they would have scored lesser marks as they actually sat for examination. Moreover, the Hon'ble Lahore High Court in its decision dated 14.12.2022 in writ petition titled "Aina Bano Vs. Pakistan Medical Commission and others (W.P No.75998 of 2022) dismissed the petition challenging the policy decision dated 10.10.2022. Same fate was met by the petition filed before the Hon'ble Peshawar High Court titled "Feroz Khan Shuja and others Vs. Pakistan Medical Commission through President, Islamabad and another (W.P No.4635-P of 2022) vide decision dated 13.12.2022.

8. In view of above, the instant petition lacks merit, hence is **dismissed.**

Niqab M

TRUE COPY
11 JAN 2023

sd
(CHIEF JUSTICE)

