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REGISTERED POST

IN THE LAHORE HIGH COURT, LAHORE

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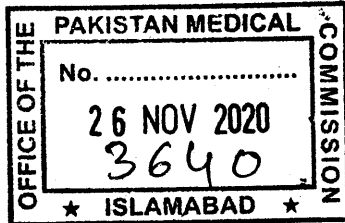
No. **045167**

Dated **24 NOV 2020**

From,

**The Additional Registrar (Judicial),
Lahore High Court, Lahore**

To,



1. **Federal Health Islamabad** [Redacted], through Secretary, Ministry of National Health Services, Regulations and Coordination, Civil Secretariat, Islamabad
2. **Pakistan Medical Commission**, through its President, G-10/4, Mauve Area, Islamabad



Subject: **WRIT PETITION/ICA/CRL.ORG.NO.** 55761-20
ECR/12-20
VS

Memo,

In continuation of this Court's Letter No. _____

Dated _____ I am directed to forward for information and immediate compliance of this Court's order dated 17-11-20 together with a copy of petition on which the said order has been passed.

Assistant Registrar (Writ-I)
For **Additional Registrar (Judicial)**

Form No:HCJD/C-121

ORDER SHEET

**IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT**

Case No: W.P.No.55761/2020

Pakistan Association of
Private Medical and Dental
Institutions etc. **Versus** Federation of Pakistan etc.

S.No. of order/ Proceeding	Date of order/ Proceeding	Order with signature of Judge, and that of Parties or counsel, where necessary.
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17.11.2020 Barrister Asad Rahim, Advocate for the Applicants/Petitioners assisted by Ms. Mahum Shahzad Laun, Advocate.
Barrister Chaudhary Muhammad Umar, Advocate/Legal Advisor for the Respondent No.2.

C.M.No.6/2020

This application has been jointly filed by the Petitioners and the Respondent No.2 under Section 151 read with Order XXIII Rule 3 of CPC for placing on record Agreement which is appended with this application as Annexure-A.

2. It is noted that pursuant to the directions issued by this Court, vide orders dated 02nd of November, 2020 and 09th of November, 2020, several meetings were held between the Pakistan Medical Commission (the "PMC") and the representatives of the Pakistan Association of Private Medical and Dental Institution (the "PAMI") from time to time, including meetings

dated 02nd of November, 2020 and 12th of November, 2020, in order to secure future of the medical students, after the Pakistan Medical Commission Act, 2020 (the "Act") and the Admission Regulations 2020-2021 (the "Regulations") came into force. The PMC, on 09th of November, 2020, through its Vice President, Muhammad Ali Raza, and Legal Advisor, Barrister Chaudhary Muhammad Umar, informed the Court about certain material aspects to conclude the matter for the academic year 2020-2021 only. Thereafter, the Court directed the Vice President of the PMC to convene a meeting with the PAMI and on the next date of hearing i.e. 09.11.2020, also provisionally allowed the Petitioners to continue with the admission process of students for the academic year 2020-2021 as per the Prospectus of the College in terms of Section 18(3) of the Act, at their own risk and cost.

3. Today, through this joint application, both the parties have made a request that the main case may be disposed of by this Court in terms of the Agreement. The understanding/consensus

points, on the basis of which the Agreement has been prepared, are given as under:-

- a. **Central Induction** – There shall be no system of Central Induction or the like enforced in future (2021-22) admissions. PMCs automated system / portal shall only be used for purposes of admissions to the upcoming admission for the January 2021 session. The system shall not be used for the purpose of admission in any Medical College in the future.
- b. **Automated System Operation** - PMC shall put up the online admission portal with an automated system. Students seeking admission to Private Colleges will apply on the portal submitting their F.S.c / HSSC marks. When applying a student will have the choice to select as many colleges as they are interested in applying to. Application fee charged by PMC for use of the portal will be Rs.500 paid to PMC by the student for the automated system.
- c. **MDCAT and Aggregate** – PMC having conducted the MDCAT examination as per the Act shall calculate weightage up to 80% of the aggregate to determine merit of each applying student. This shall be allocated 50% to MDCAT and 30% to FSc. Having calculated 80% of the aggregate merit, PMC shall forward the total list pertaining to all the relevant colleges on 1st January 2021, who shall carry out their

own interview which shall have a weightage of 20%. Each college will display on their website the structure of the interview for the information of students before 25th November 2020.

The college shall apply the performance of the interview and consolidated with the MDCAT / FSc aggregate of the student. The college shall finalize the total aggregate out of 100% for final merit of the students. This aggregate shall be used by the college for the purpose of admission to the MBBS / BDS classes. The colleges shall provide to PMC the final merit of all applying student after calculation of the 100% merit aggregate on completion of interviews.

The college shall not seek to admit any student other than students who have applied to the college as per the list provided by PMC. The admissions shall be concluded by all colleges by 15th February 2021.

If any seats remain vacant after 15th February 2021, each college shall have 7 days to fill such seats from students who may have applied to other colleges but did not obtain admission in such colleges, subject to them being interviewed by the college and admission being on merit.

The admitted student will pay the fee advertised by the college in advance

directly to the college and confirm their admission.

d. Post Admissions - Each college will publish on its website the final admitted list of students and send its final admitted list to its affiliated University who will certify the same and send to PMC after verifying the students F.S.c degree and marks etc. directly.

4. In view of the above, keeping in mind the future concerns of the medical students and in order to avoid delay or any legal hindrance in smooth running of the admission process for the academic year 2020-2021 only, this joint application, which is also supported by affidavits of both the parties, is allowed. Resultantly, the Agreement shall be made part of the titled writ petition as Mark-A, which is also disposed of in terms of the aforesaid understanding/consensus arrived at between the parties. As, according to learned counsel for the Petitioners, certain provisions of the Regulations are not in consonance with the mandate of the Act, therefore, the PMC is directed to make necessary amendments in the Regulations for securing future of the medical students in a better way.

W.P.No.55761/2020

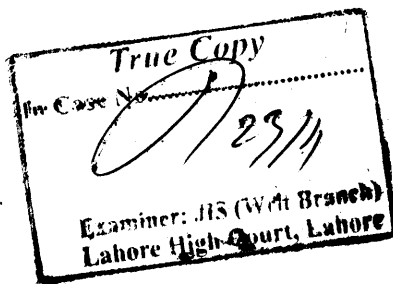
C.M.No.7/2020

5. Dispensation sought for is allowed subject to all just and legal exceptions. C.M. stands disposed of.

Copy "dasti" on payment of usual charges.

(JAWAD HASSAN)
JUDGE

Majid



IN THE LAHORE HIGH COURT, LAHORE

(Writ Jurisdiction)

In re:

55761

W.P. No. ____/2020

1. ***Pakistan Association of Private Medical and Dental Institutions (PAMI)***
Central Secretariat, PAMI, Umar Sharif Plaza, Blue Area, Islamabad
2. ***Saepn (Pvt.) Limited***
31 Tipu Block, New Garden Town, Lahore
3. ***Superior College Lahore,***
31 Tipu Block, New Garden Town, Lahore

All three Petitioners through Member PAMI Dr. Muhammad Rizwan Saghir Chatha, s/o Muhammad Saghir Chatha

4. ***Chaudhry Abdul Rehman***
(s/o Chaudhry Muhammad Akram)
Chairman Board of Directors, Saepn (Pvt.) Limited
254 Umer Block Allama Iqbal Town, Lahore

Petitioners

Versus

1. ***Federation of Pakistan,*** through Secretary, Ministry of National Health Services, Regulations and Coordination, Civil Secretariat, Islamabad
2. ***Pakistan Medical Commission,*** through its President, G-10/4, Mauve Area, Islamabad

Respondents

**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION
OF PAKISTAN**

Respectfully *Sheweth:*