

IN THE LAHORE HIGH COURT, LAHORE

From

The Addl. Registrar (Judl)
Lahore High Court, Lahore.

05 MAY 2021

To

Recd
new

Recd
bce

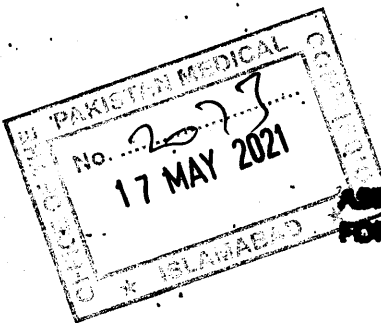
1. Government of Punjab through Secretary Specialized Healthcare, Specialized Healthcare and Medical Education Secretariat Punjab, 11-A, Lawrence Road, Mazang Chungi, Lahore.
2. University of Sargodha through its Vice Chancellor, University of Sargodha, Sargodha.
3. Registrar University of Sargodha, University of Sargodha, Sargodha.
4. Dean, Department of Medical Sciences, University of Sargodha, Sargodha.
5. Principal, Sargodha Medical College, University of Sargodha, Sargodha.
6. Pakistan Medical Commission (PMC) through its presidents, G-10 through president, Mauve Area, sector G-10/4, Islamabad.

SUBJECT: - WRIT PETITION NO- 8024-21

Sir,

In continuation of this Court letter No _____ date _____

I am directed to forward for information and immediate compliance a copy of this Court's Order/Judgment dated 29-04-21 passed in the above noted case.



Your's faithfully

ASSISTANT REGISTRAR (WRIT)
FOR ADDL. REGISTRAR (JUDL)

17/5/21

17/5/21

Stereo. H C J D A 38.

Judgment Sheet
IN THE LAHORE HIGH COURT AT LAHORE
JUDICIAL DEPARTMENT

WP No.8024/2021

Dr. M. Asif etc.

Versus

Government of Punjab through Secretary Specialized
Healthcare, Specialized Healthcare and Medical Education
Department, Lahore etc.

J U D G M E N T

Date of Hearing	29.4.2021
Petitioners By:	Mr. Shaigan Ijaz Chadhar, Advocate
Respondents By:	Mr. Akhtar Javed, Additional Advocate General, Punjab. Mian Shahid Nazeer, Advocate for Respondents No.2 to 5 along with Muhammad Yar, Assistant, Sargodha Medical College, Sargodha. Barrister Chaudhary Muhammad Umar and Rana Muhammad Ansar, Advocate for Respondent No.6.

Ayesha A. Malik J: Through this Petition, the Petitioners who are Doctors seek adjustment to the institutes which are recognized by Respondent No.6, Pakistan Medical Commission, Islamabad ("PMC").

2. The case of the Petitioners is that they were placed at DHQ Teaching Hospital, Sargodha by the Government of Punjab for their postgraduate training. However they found out that the DHQ Teaching Hospital, Sargodha associated with Sargodha Medical College University of Sargodha is not a recognized postgraduate training program by the PMC. Learned counsel argued that the Secretary, Specialized Healthcare and Medical Education, Punjab heads the Specialized Healthcare and Medical Education Department which is responsible for the Punjab Residency Program ("PRP"). That

the postgraduate training program is taught at Sargodha Medical College which program has not been recognized by the PMC for postgraduate training. The Petitioners have repeatedly approached the Respondents to rectify this issue as it is a four year training program and the Petitioners do not want to waste their four years in a program which is not recognized. In this regard, the Petitioners have relied upon their appointment letters for training at the Sargodha Medical College in the postgraduate training program and have also relied upon notification dated 22.10.2019 issued by the Government of Punjab, Specialized Healthcare and Medical Education Department, Lahore, directing the Petitioners to obtain their postgraduate training through the DHQ Teaching Hospital, Sargodha which is affiliated with the Sargodha Medical College of Sargodha University.


3. Report and parawise comments have been filed on behalf of Respondent No.6, PMC. Learned counsel submits that the PMC has issued a policy dated 28.12.2020 for Unrecognized Alternative to Post Graduate or Additional to Post Graduate Programs. If a program is not recognized by the PMC, then the trainees of this program should be allowed to shift to other recognized programs for further training. In this regard, he also stated that the recognition process for the program at Sargodha Medical College is underway and will be finalized subject to the inspection which is yet to be carried out by the PMC. Hence learned counsel stated that the alternate available to the Petitioners is that they are adjusted in recognized programs.

4. Report and parawise comments have also been filed on behalf of Respondent No.1. Learned Law Officer stated that the recognition of a University program has two steps. In the first instance the program has to be recognized by the University of Health Sciences ("UHS") and thereafter by the PMC. Sargodha Medical College is recognized by the UHS and has been pursuing its recognition from the PMC which is still pending. During the pendency of the programs of

their recognition process, the Universities are allowed to provisionally carry out the programs subject to its final recognition by the PMC.

5. Report and parawise comments have been filed on behalf of Respondents No.2 to 5. Learned counsel stated that the PRP deputed postgraduate trainees to different medical colleges including Sargodha Medical College and that this college is still awaiting its recognition from the PMC for which all formalities have been completed, payments have been made and inspection is awaited. Learned counsel submitted that once the inspection is completed and the program is recognized, the efforts of the Petitioners will not be wasted.

6. Heard and record perused. The basic contention of the Petitioners is that they do not wish to continue with their postgraduate training at the Sargodha Medical College because it is admittedly not registered and recognized by the PMC. Learned Law Officer is asked as to why Respondent No.1 placed the Petitioners with the Sargodha Medical College knowing that its recognition process was not complete. Although Respondent No.1 has provided its explanation to the effect that recognition is a two step process and the first step of recognition by the UHS has been completed. Nonetheless for the purposes of placing trainees in the postgraduate training program, Respondent No.1 has acted in a very negligible manner as it has placed postgraduate trainees in a program that is not recognized and for which there is no guarantee that it will be recognized and registered by the PMC. Although the process is underway, yet it has not been completed which means that the Petitioners are at risk in the event that the program is not recognized or registered by the PMC. In the same manner, Respondent University of Sargodha has inducted students into a program which is not recognized and registered with the PMC. Learned counsel for the Respondent University of Sargodha has tried to justify the matter by stating that the process is almost complete and inspection is awaited by the PMC on the basis of which



the process will be completed and recognition shall be granted. However this statement is totally presumptive as at the time when the Petitioners were inducted in the training program, clearly the postgraduate program was not registered and recognized by the PMC. The contention of the stated Respondent that it is likely they will be recognized and registered is presumptive on their behalf as the PMC has yet to carry out its inspection and *determine* whether they will give recognition to the said postgraduate training program. Consequently the Petitioners have been put at risk by carrying out their postgraduate training which is for a period of four years at a college which is not recognized and for which there is no assurance that they will be recognized as its process is underway and the PMC has yet to determine whether the program meets the requirements of the PMC or not.

7. It is noted that this is not a new issue but appears to be a continuous issue where the University, notwithstanding their lack of recognition or registration of the postgraduate training program with the PMC induct students. This led the PMC to set out a policy dated 28.12.2020 for providing alternates to postgraduate or additional to postgraduate programs which are not recognized. In this regard, I am of the opinion that all Respondents except the PMC are responsible for wrongfully inducting trainees in a program which is not recognized. The fact that the UHS has carried out its process, which is admittedly the first step in the recognition process, does not justify inducting trainees in a program which has not properly and lawfully recognized by the PMC. This practice is deprecated and is harmful because it requires doctors to undergo training in a program which may not be recognized or which may be conditionally recognized, creating complications with respect to the training carried out during the un-recognized period.

8. Therefore, in view of the aforesaid, given the importance of a postgraduate training program, this Petition is **allowed** with the following directions

- (i) Respondent No.1 is directed to induct trainees through the PRP only in programs recognized by the PMC and should not induct trainees in unrecognized programs or programs which are under the process of recognition;
- (ii) Similarly Sargodha Medical College should not induct trainees in their postgraduate program which is not recognized by the PMC;
- (iii) So far as the Petitioners are concerned, their request for being provided an alternate training program, one that is recognized by the PMC is granted and Respondent No.1 should immediately transfer the Petitioners from Sargodha Medical College to a recognized program with the assistance of the PMC; and PMC should ensure that the Petitioners are placed in a recognized training program;
- (iv) PMC is to inquire into the matter and take necessary action, if required with reference to the Sargodha Medical College and its induction of trainees in a program which is not recognized, with emphasis on whether they had permission to induct students, during the process of being registered and recognized. Compliance report to be filed in Court within two months from the receipt of certified copy of this judgment.

(AYESHA A.MALIK)
JUDGE

TRUE COPY

In Case No. 4/2021

Examiner, J.C.B (Copy Branch)
Lahore High Court, Lahore

03/5/21

IN THE LAHORE HIGH COURT LAHORE

①

W.P No 8024 / 2021

1. Dr. M Asif S/O Abdul Zahoor r/o Post Office Wana Doag, Tehsil Wana, District South Waziristan agency, presently residing at Sargodha.
2. Dr. Faiza Malik D/O Waqas Anjum r/o House No.37, old civil line, Sargodha Pakistan.
3. Dr. Farwa Nazir D/O Nazir Ahmad r/o House No.29/5, Mohalla Old Civil Line, Sargodha.
4. Dr. Umer Farooq S/O Chaudhary Gull Sher r/o House No.18, Mohalla Liaqat Abad, Near M.A.O College, Lahore.
5. Dr. M Irfan Ullah S/O Shair Muhammad r/o Flat NO.184, Street#03, Mohalla Burhan colony Sargodha.
6. Dr. Fahad Rafique S/O Zahid Rafique r/o Gali Pera Wali, House No.131, Mohalla Rahman, Jhang Sadar, District and Tehsil Jhang.
7. Dr. Maaz Shahid S/O Nasim Shahid r/o Chaklala Scheme No.03, House No.408, Street# 16, Rawalpindi.
8. Dr. Madiha Khalid D/O Chaudhary Khalid Mehmood r/o House No.02, Block C, Quaid Abad, Tehsil Quaid Abad, District Khushab.
9. Dr. Waqas Azam S/O Chaudhry Muhammad Azam r/o Gujjar Medical Store, House No.120, Mohalla Main Bazaar, Johar Abad, District and Tehsil Khushab.
10. Dr. Fazal-ur-Rehman S/O Hafeez Ur Rehman r/o Nawa Shah Pur, Rasheed Colony Mohalla Muslim Town, Gujrat.

11. Dr. Abira D/O Usama Zulfiqar r/o House No.05-D, Mohalla Satellite Town,
Sargodha.
12. Dr. Abu Bakar S/O Ata Muhammad Irfan r/o Post Office Khas Salam, Tehsil
Bahlwal, District Sargodha.
13. Dr. M Adnan Haider S/O Ehsan-Ul-Haq r/o Chak No.48 NB, Post Office Khas,
Sargodha.
14. Dr. Ahsan S/O Muhammad Hayat r/o House No.187, Block L, Faid Abad, Tehsil
Quaid Abad, District Khushab.
15. Dr. Mooazma D/O Mumtaz Ahmad r/o Flat No.225, House No.225, Mohalla
Mazhar Farid Colony Sadiqabad, District Rahimyar Khan.
16. Dr. Mustahsan S/O Mahmood Arshad r/o House No.76, Street#08, Sector 1-8/1,
Islamabad.
17. Dr. Muzamil S/O Javid Iqbal r/o Chak No.86, Post Office Khas, Tehsil Faisalabad,
District Faisalabad.
18. Dr. Nazish D/O Ghulam Jaafar r/o House No-34-B, Mohalla Aziz Bhatti Town,
Sargodha.
19. Dr. Samreen W/O Muhammad Afzal Zafar r/o House No.181, Mohalla Canal Park,
Sargodha.
20. Dr. Sara D/O Karam Rasool Basra r/o House NO.29, Street#50 Fort Road, Block X,
Muhalla New Satellite Town, Sargodha.
21. Dr. Shahzad Gull S/O Muhammad Gull Hussain r/o House No.45, Street No.04,
Mohalla Muslim Colony Mianwali.
22. Dr. Waqas Saleem S/O Muhammad Saleem r/o House No.02, Street#07, Mohalla
Sahwari Mughalpura, Lahore Cantt, District Lahore.
23. Dr. Yaser S/O Gul Muhammad Faizi r/o Post Office Khas, Dhal, Tehsil Behra,
District Sargodha.

- 24. Dr. Shazia D/O Muhammad Rafique r/o Pindi Dhadhial, Post Office Jalalpur Bhatia, Tehsil Pindi Bhatia, District Hafiz Abad.
- 25. Dr. Shumaila D/O M. Qasim r/o House NO.46, street#E-511, Mohalla new Satellite town, Sargodha.
- 26. Dr. Anam D/O Muhammad Zaheer r/o House No.205, Mohalla Mandi Town, Block 12/13, Bhakhar.
- 27. Dr. Faryal D/O Sharoon John r/o House No.972, Street#03, Mohalla Jinnah Colony, Sargodha.
- 28. Dr. Maria Rehman D/O Sahibzada Usman Murtaza r/o Burble Shrif, Post office Shah Poor, Tehsil Shah Pur, District Sargodha.
- 29. Dr. Kashmala D/O Hassan Nawaz r/o House No.204/205, Street#02, Mohalla Awan Colony, Sargodha.
- 30. Dr. Saba D/O Raja Imtiaz Ahmad r/o Ward No.01, Mohalla Syadawala, Shah Pur city, Tehsil Shah Poor, District Sargodha.
- 31. Dr. Danial S/O Muhammad Khalid Main Road House No.66-Y, Mohalla Iqbal Colony Sargodha.
- 32. Abdus Salam S/O Ghulam Abbas r/o Kamala Post Office Radhan, Tehsil Sahiwal, District Sargodha.
- 33. Dr. Khadija D/O Yasir Rasheed Choudhry r/o University Road, House No.104, Mohalla Murad Abad Colony, Sargodha.
- 34. Dr. Asra Atta-ul-haq D/O Muhammad Abdul Rub Bin Ijaz r/o Iqbal Manzal, Mohalla Shara Iqbal, Noshehra, District and Tehsil Khushab.
- 35. Dr. Mubashir S/O Muhammad Latif Malik r/o House No. MCB-12/212, Mohalla Chappar Bazaar, Chakwal.
- 36. Dr. Umair Khaliq S/O Abdul Khaliq r/o Post Office Ludden, Ghulam Shah, District and Tehsil Vehari.

Petitioners

Versus

Needy
needs

Needy
house

R

1. Government of Punjab through Secretary Specialized Healthcare, Specialized Healthcare and Medical Education Secretariat Punjab, 11-A, Lawrence Road, Mazang Chungi, Lahore.
2. University of Sargodha through its Vice Chancellor, University of Sargodha, Sargodha.
3. Registrar University of Sargodha, University of Sargodha, Sargodha.
4. Dean, Department of Medical Sciences, University of Sargodha, Sargodha.
5. Principal, Sargodha Medical College, University of Sargodha, Sargodha.
6. Pakistan Medical Commission (PMC) through its presidents, G-10 through president, Mauve Area, sector G-10/4, Islamabad.

Respondents

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

Respectfully Sheweth:

1. That the names and addresses of the parties have been correctly given in the headnote of the petition for their proper service.
2. That petitioners are Doctors having successfully completed their M.B.B.S degrees from recognized Medical Colleges. Copy of degrees awarded by recognized medical universities are attached as Annex-A. In connection with Punjab Residency