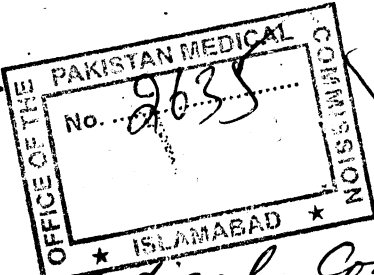


IN THE LAHORE HIGH COURT, LAHORE

From

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



To

- 1- Pakistan Medical Commission through its president, Head office at Mauve Area, G-10/4, Islamabad.
2. The V.C, University of Health Sciences, Lahore.
3. Govt. of Punjab through Secretary Health, Lahore.

SUBJECT: - WRIT PETITION NO:- 55685-20

Sir,

In continuation of this Court letter No _____ dated _____

I am directed to forward for information and immediate compliance a copy of this Court's Order/Judgment dated 06-11-20 passed in the above noted case.

Your's faithfully

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

10/11

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Judgment Sheet
IN THE LAHORE HIGH COURT AT LAHORE
JUDICIAL DEPARTMENT

WP No.55685 of 2020

Muhammad Haseeb
Versus
Pakistan Medical Commission etc.

J U D G M E N T

Date of Hearing	6.11.2020
Petitioner By:	Mr. Muhammad Amjad Cheema, Advocate
Respondents By:	Chaudhary Muhammad Umar, Advocate for Respondent No.1. Mr. Imran Muhammad Sarwar, Advocate for Respondent No.2 along with Dr. Saqib Mahmood, Associate Professor, Dr. Allah Rakha, Associate Professor, Zahid Mahmood, Assistant Registrar (Legal) and Malik Hamza Izhar, Manager (Litigation) UHS.

Ayesha A. Malik J: Through this Petition, the Petitioner seeks a direction to the Respondents that the MDCAT Examination which is scheduled for 15.11.2020 should be on the basis of the syllabus prescribed by the University of Health Sciences, Lahore (“UHS”) in June 2020 and that the change in syllabus by Respondent No.1, Pakistan Medical Commission (“PMC”) in October 2020 has adversely prejudiced the rights of the Petitioner and others who have been preparing as per the old syllabus for the MDCAT Examination.

2. Learned counsel for the Petitioner has placed reliance on the notification issued by the PMC on 7.10.2020 in which he states that the PMC has categorically stated that there will be no new or additional syllabus issued by the PMC for this year’s MDCAT Examination. Learned counsel stated that notwithstanding the same the PMC has issued a revised syllabus, which is new and different from the UHS syllabus and has given no time for preparation to the students as the MDCAT Examination is scheduled for 15.11.2020

whereas the syllabus was issued after 7.10.2020 and was revised by the PMC last week. Under the circumstances, he stated that the Petitioner is aggrieved as he has to take the MDCAT Examination and has been preparing as per the syllabus issued by the UHS which has now totally changed. This has caused the Petitioner anxiety and has placed the Petitioner at a disadvantage since there is a lot of new work that has to be studied for the purposes of the MDCAT Examination.

3. Report and parawise comments have been filed on behalf of the PMC. Learned counsel submits that the Pakistan Medical Commission Act, 2020 ("Act") was promulgated on 24.9.2020. The PMC was notified in terms of Section 3 of the Act on 25.9.2020 and the PMC held its first meeting on 2.10.2020. Learned counsel submitted that at this meeting the PMC was conscious of the paucity of time and the hardship that students would face in the event of drastic changes in the syllabus. Learned counsel submitted that in terms of Section 18 of the Act, the PMC is required to conduct one single admission test nationwide for all medical and dental programs in Pakistan. Therefore he stated that a meeting was held on 7.10.2020 in which the examination committee of the PMC was required to coordinate and finalize the syllabus for the common examination, for which they were asked to find all topics that are common in all provinces so as not to disadvantage any student. Learned counsel submitted that the Common Syllabus and Table of Specifications Setting Committee was formed and the Inter Board Committee of Chairmen, Islamabad ("IBCC") was consulted for the purposes of the syllabus for the MDCAT Examination. He stated that the syllabus does not introduce anything new rather it has taken all topics common in all the provinces and the IBCC has confirmed that the syllabus is in line with the common curriculum of all four provinces. Learned counsel has placed reliance on minutes of meeting dated 12th to 14th of October 2020 wherein participation of all provinces is evident and subject

specialists of IBCC were also consulted. Learned counsel stated that to ensure that the students are not prejudiced in any manner and to cover any anxiety caused by the changes made, the PMC has issued 'Syllabus Clarification' which is posted on its website which clarifies that there is no topic outside of any existing recognized F.Sc syllabus in Pakistan and further clarifies that all students will be given an objection form on the date of the examination to raise objections against any question that is stated to be outside syllabus. Learned counsel stated that nationwide 123,000 applicants are registered for the MDCAT Examination. That this is a nationwide examination and any adverse order of this Court will adversely impact upon the attempt by the PMC for taking this nationwide examination on 15.11.2020.

4. On behalf of the UHS, Dr. Saqib Mahmood, Associate Professor presented a comparison of the PMC syllabus and the syllabus of the other provinces and National University of Medical Sciences ("NUMS"). He stated that the syllabus as per practice was announced by the UHS in line with the policy of the UHS at the time in June 2020 and agreed that the representatives of the UHS were invited to the meeting held by the PMC with respect to common syllabus. However it was clarified that since they are not involved in the examination process, hence they have no role to play for the purposes of setting the syllabus for the MDCAT Examination.

5. Heard and record perused. The basic contention of the Petitioner is that with the establishment of the PMC through the Act, the efforts of the UHS had been done away with so as to put the Petitioner and other students at a disadvantage as a whole new syllabus has been introduced for the MDCAT Examination which is to be held on 15.11.2020. On the basis of the documents provided by the Counsel for the PMC, it appears that an effort has been undertaken by the PMC to develop common syllabus for the MDCAT Examination. As per Section 18 of the Act, the PMC is required to take *one single*

admission test for all students across Pakistan seeking admission in medical and dental colleges anywhere in Pakistan. The PMC on its establishment was faced with daunting task of setting the syllabus so as to meet the requirement of Section 18 of the Act, hence they established a Common Syllabus and Table of Specifications Setting Committee which highlighted the common topics in the subjects of Biology, Chemistry, Physics and English in the curriculum offered in all four provinces so as to ensure that the MDCAT Examination will test students on topics that they have already covered as per the F.Sc syllabus offered in their respective provinces. The proposed syllabus was then sent to the IBCC for their confirmation that it is in line with the common curriculum for all four provinces for which the IBCC confirmed that it is in line with the curriculum taught in all four provinces. More importantly in order to ensure that the applicants are not prejudiced, the PMC has issued a 'Syllabus Clarification' wherein the following is stated:

1. MDCAT Common Syllabus has been created on the singular principle that **no topic is outside any of the existing recognized syllabi of F.Sc in Pakistan.** It has been reviewed by a committee of provincial universities and IBCC.
2. The question bank for the MDCAT Paper is also based on the singular principle that **no question appears which is outside any of the existing recognized syllabus of F.Sc in Pakistan.**
3. If any question appears in the paper which is **outside of any syllabus, it shall be removed from scoring** by the Examination Paper Review Committee immediately for all students.
4. Students appearing in the MDCAT exam will be provided an objection form at the examination center in which they can record any objection to any question they believe is outside the syllabus of the relevant Board.
5. All objections will be reviewed immediately after completion of the MDCAT exam on 15th November 2020 and any question found to be outside the identified syllabus shall be removed from the scoring.
6. All objections being communicated regarding any topics at this time are also being constantly reviewed by the relevant committee finalizing the question bank for the paper.

As per this clarification, students will be given an objection form on the date of MDCAT Examination to record any objection to any question they believe is outside the syllabus. The PMC will then

consider these objections and if any question is found to be outside the identified syllabus it will be removed from the scoring. Therefore as per the statement made by the Counsel for the PMC, an effort has been made to ensure that the applicants of the MDCAT Examination are not prejudiced with the changes made in creating a common syllabus so as to ensure that one single MDCAT Examination is undertaken on 15.11.2020.

6. In this regard, it is noted that although as per the contention of the Petitioner's Counsel the new syllabus has disturbed the flow of study of students preparing the MDCAT Examination and has caused anxiety, nonetheless since the syllabus prepared by the PMC is a common syllabus, meaning that it includes all topics that the Petitioner has studied for in the F.Sc examination, hence as such no prejudice is caused to the Petitioner. It is also noted that as per the 'Syllabus Clarification', all students will be given an opportunity to point out any objectionable question which is out of syllabus on the date of examination and due weightage will be given to objections that are valid and have basis.

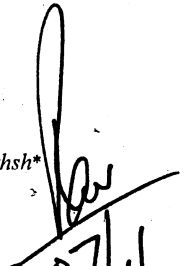
7. Under the circumstances, no case for interference is made out. The instant Petition is **dismissed**.


(AYESHA A.MALIK)
JUDGE

TRUE COPY
In Case No.....
Examiner J.C.B (Copy Branch)
Lahore High Court, Lahore

10/11/20

Allah Bakhsh*


07/11/20

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IN THE LAHORE HIGH COURT, LAHORE

W.P No. 55685 /2020

Muhammad Haseeb son of Muhammad
Amjad, R/o P.O Rajhai Tehsil Daska
District Sialkot.

PETITIONER

VERSUS

1. Pakistan Medical Commission through its
President Head office at Mauve Area, G-
10/4, Islamabad.
2. Vice Chancellor University of Health
Sciences, Lahore.
3. *Govt of Punjab through*
Secretary Education Health. **RESPONDENTS**

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

Respectfully Sheweth:-

1. That the addresses of the parties has
been enshrined in the captioned of writ
petition for service of summons / notices
issued by this court in this behalf.
2. That the brief facts of the case are that
respondent No.1 announced Test of