

Form No: HCJD/C-121  
ORDER SHEET.

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

W.P. No. 58199-2021

Muhammad Akram Vs. Govt. of Pakistan etc.

S.No. of order/proceeding	Date of order/proceeding.	Order with signatures of Judge, and that of parties or counsel, where necessary.
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24.09.2021, Mian Saeed Ahmad, advocate for the petitioner.  
Barrister Ch. Muhammad Umar and Rana Muhammad Ansar, advocates for PMC.

Through this constitutional petition, the policy of examination is challenged with a further prayer to direct the respondents to select the son of the petitioner, namely, Wahaj Ali who secured 64.7% marks and with a further prayer that details of the marks with the benefit of non-working of device of options i.e. skip and return to skipped may be extended to him.

2. Brief facts giving rise to the filing of this constitutional petition are that in the recent MDCAT test, Wahaj Ali obtained 136/210 marks i.e. 64.74% and according to Pakistan Medical Commission Conduct of Examinations Regulations, 2021 issued on 04.06.2021 and approved in the 7<sup>th</sup> Council Meeting held on 04.06.2021 in Item No.1, he was declared fail since under Proviso of clause 5, the recommended passing marks were not less than 65%. According to the learned counsel because of the only examination, the students were given TAB and according to the instructions, they were given two options for the first time i.e. skip to the question and return to skipped question. The computerized system requires the students to exercise the question and to answer the question subject wise or randomly with one question at a time appearing on the screen with multiple answers to be selected by him. The students could either answer the question or skip to the next question and then returned to the skipped question later. His grievance is that the student was not aware of the technical procedure though he is intelligent and secured 90% marks in the secondary examination.

3. 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<sup>son</sup> or that the computer screen was not functioning well. However, after when the process is over on 30<sup>th</sup> September, 2021, the petitioner<sup>son</sup> 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. Present Pakistan Medical Commission, Islamabad."

4. For what has been stated above, this petition is found meritless and is therefore, dismissed in limine.

A. Qadoos\*

(ALI BAQAR NAJAFI)  
JUDGE

