



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. PF. 8-2106/2022-DC/PMC

Referred against Dr. Waleed Malik (35188-N)

Professor Dr. Naqib Ullah Achakzai	Chairman
Professor Dr. Noshad Ahmad Shaikh	Member
Mr. Jawad Amin Khan	Member
Barrister Ch. Sultan Mansoor	Secretary

Present:

Nemo

Hearing dated 10.10.2022

I. FACTUAL BACKGROUND

1. Information was received via PMDU Portal against Dr. Waleed Malik (the "Respondent), wherein it was inter-alia submitted that Respondent has enrolled with CPSP on the basis of (wrongly issued) permanent license and attempted FCPS part I exam. Brief facts of the complaint are that:
 - a) Respondent was issued a provisional license by Pakistan Medical Commission on 28.01.2021, on the basis of his MD degree from Paktia University, Afghanistan.
 - b) Subsequently, Respondent applied online for issuance of permanent registration on 31.05.2021, whereby owed to the clerical mistake he was issued the requested registration on 01.06.2021.

- c) Being a foreign graduate, Respondent was required to meet the criteria for issuance of permanent registration, including, passing NEB/NLE exam, which the Respondent hasn't passed yet.
- d) The Respondent was directed vide email dated 06.08.2021 to return the wrongly issued certificate of permanent registration to this Commission but no response was received from the Respondent.
- e) Meanwhile the complaint from PM Portal was launched against the Respondent.
- f) Licensing Department, PMC, vide letter dated 11.11.2021 requested Controller Examination CPSP to provide information regarding enrolment of the Respondent with CPSP, to which the he informed that Dr. Waleed Malik was registered with CPSP for the FCPS-I exam.
- g) The Licensing department issued final notice/reminder to the Respondent on 21.12.2021 to return his permanent registration certificate. The Respondent in response vide email dated 23.12.2021, informed that "After all the verifications PMC issued me the full license for which he is eligible."

II. SHOW CAUSE NOTICE TO RESPONDENT, DR. WALEED MALIK

2. In view of the afore-mentioned circumstances Show Cause Notice dated 18.04.2022 was issued to Respondent Dr. Waleed Malik mentioning the allegations in the following terms:

“... **4. WHEREAS**, you were issued provisional license by Pakistan medical commission on 28.01.2021 on the basis of your MD degree from Paktia University, Afghanistan. Afterwards, you applied online for issuance of permanent registration on 31.05.2021 whereby due to clerical mistake you were issued permanent registration on 01.06.2021;

5. WHEREAS, Pakistan Medical Commission vide email dated 06.08.2021 informed you that permanent registration certificate mistakenly issued to you has been cancelled. You were further advised to dispatch the said certificate to PMC, but no response was received from you. Furthermore, PMC vide email 22.12.2021 sent a final notice to you for return of permanent license issued mistakenly, in response to which you vide email dated 23.12.2021 stated that the said license was issued by PMC in accordance with law and thus refused to return the same; and

6. WHEREAS, it is mandatory for all the foreign graduates to pass the National Licensing Examination (NLE) conducted by PMC and only after passing NLE, permanent license can be issued, whereas you have not passed such exam yet; and





7. WHEREAS, a complaint was received through PM Portal whereby it was stated that on the basis of the said PMC registration certificate you also applied to CPSP and attempted FCPS Part-1 exam in August 2021 session from Peshawar Centre which you failed; and

8. WHEREAS, in terms of the facts mentioned above, your conduct of claiming/ representing yourself as a full license holder is prima facie in violation of the provisions of Code of Ethics of Practice for medical and dental practitioners, Regulations 2011 in general and Regulations 7(1), 49(a) and 50, in particular; and ...”

III. REPLY OF RESPONDENT, DR. WALEED MALIK

3. The Respondent doctor has not submitted his reply to the Show Cause Notice dated 18.04.2022.
4. Reminders dated 14.07.2022 and 18.08.2022 were also issued to the Respondent, however, he has failed to submit his reply, till date.

IV. HEARING

5. The matter was fixed for hearing before the Disciplinary Committee on 10.10.2022. Notices dated 27.09.2022 were issued to Respondent Dr. Waleed Malik directing him to appear before the Disciplinary Committee on 10.10.2022.
6. The Respondent failed to appear before the Committee.

V. FINDINGS AND CONCLUSION

7. The Committee has perused the record and noted that Respondent is a foreign graduate and was issued a provisional license by Pakistan Medical Commission on 28.01.2021, on the basis of his MD degree from Paktia University, Afghanistan.
8. Subsequently, Respondent applied online for issuance of permanent registration on 31.05.2021, whereby owing to a human error he was issued permanent registration on 01.06.2021.

9. It is pertinent to mention here that in terms of section 20 of the Pakistan Medical Commission Act, 2020 passing of National Licensing Exam (NLE) is mandatory for issuance of full/permanent license. Provisions of section 20 are reproduced hereunder:

*“20. National licensing examination (NLE), --(1) The Authority shall at least twice a year as per schedule approved by the Council conduct the NLE. **Passing the NLE shall be mandatory for obtaining a full license.** The NLE shall be substantially based on objective computer based multiple choice questions and a practical component if determined by the Council:*

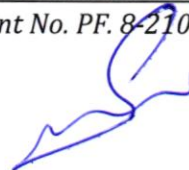
Provided that there shall be no limit on the number of times a person may attempt the NLE:

Provided further that Pakistan armed forces cadets who upon successful completion of their under-graduate degree program and pre-requisite military training are commissioned in the Pakistan armed forces shall be granted an armed forces provisional license and shall qualify their NLE during service as regulated by the service headquarters prior to grant of full license.

(2) A person having obtained an under-graduate medical or dental qualification issued by a university in Pakistan or an under-graduate medical or dental qualification issued by a foreign institution duly recognized by the Commission, shall be granted a provisional license to undertake his house job within fourteen days of verification of their qualification by the granting institution:

Provided that the person to whom a provisional license is granted shall complete the mandatory requirement of passing the NLE at any time prior to issuance of full license.”

10. A bare reading of the above mentioned provisions of law makes it abundantly clear that passing of National Licensing Exam (NLE) is mandatory for issuance of full/permanent license. It is also important to note here that even prior to promulgation of PMC Act, 2020, foreign graduates were required to pass NEB exam for issuance of permanent license.
11. It is a matter of record that Respondent doctor was duly issued provisional license for house job on 28.01.2021 on the basis of his MD degree from Paktia University Afghanistan. It is also an admitted fact that Respondent Dr. Waleed Malik has not yet passed National Licensing Examination (NLE)/ (NEB previously) and as such does not fulfill the basic criteria set out in section 20 of PMC Act, 2020 for issuance of permanent license.

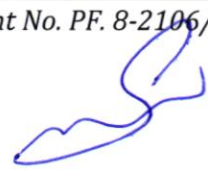


12. The Committee has gone through the record of licensing division and has observed that application of Dr. Waleed Malik for permanent license was received on the online licensing portal on 31.05.2021. The system operator due to a human error ignored to check the NLE result of Dr. Waleed Malik and printed permanent license of Dr. Waleed Malik on 01.06.2021. This issue was later on identified and after checking record it was confirmed that Dr. Waleed Malik has not passed NLE exam. Resultantly, correction of record was made and status of his application for permanent license was changed from 'completed' to 'Rejected'. After rejecting the application for permanent license online status of license of Dr. Waleed Malik was also corrected and it was changed from 'permanent' to 'provisional'. Perusal of record further reveals that Dr. Waleed Malik has also got registered with College of Physician and Surgeons Pakistan (CPSP) on the basis of mistakenly issued permanent license.
13. The licensing division of PMC sent an email and a letter to Respondent Dr. Waleed Malik on 06.08.2021, 21.12.2021 wherein it was conveyed that

"In the first week of January you were mistakenly issued permanent license vide registration number 35188-N. Your good self was email on the given address of waleedmalk69@gmail.com, wherein the permanent license printed was mistakenly sent to you. Therefore, you need to return it back as early as possible, your mobile phone was also switched off at that time. Further to mention that status of your license on PMC website also shows of provisional license holder.

This is final notice issued to you, and in case you do not return PMC permanent license to PMC office. Within two weeks from the issuance date of this letter, legal action shall be taken against your good self, you are strictly instructed not to misuse your permanent license (mistakenly issued) for any professional purposes, which may result in cancellation of your provisional license as well."

14. In response Dr. Waleed Malik vide his email dated 23.12.2021 conveyed that he was issued permanent license on correct basis and not by mistake. He fulfilled the requirement of permanent license and thereafter PMC issued permanent license.
15. Since Respondent Dr. Waleed Malik has categorically denied the stance of PMC conveyed vide letter dated 21.12.2021, therefore in view of all information and complaint from PM Portal, show cause notice dated 18.04.2022 was issued to him.

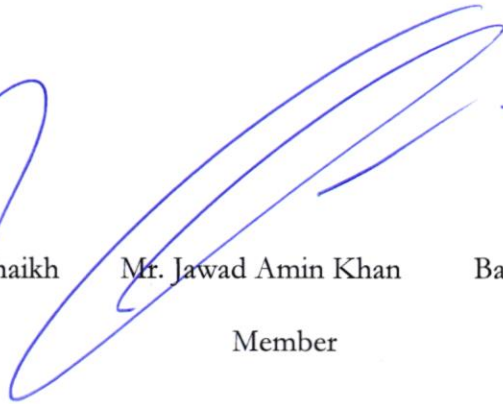


16. Perusal of record reveals that show cause notice and reminders dated 14.07.2022 and 18.08.2022 were sent to Respondent Dr. Waleed Malik through post as well as on his email address. However, he failed to respond in any manner. Notice for personal hearing was also served on Respondent Dr. Waleed Malik on 27.09.2022 with the directions to appear before the Disciplinary Committee on 10.10.2022 however, the Respondent remained absent. Such conduct of Respondent Dr. Waleed Malik clearly indicates that he is avoiding the process of law.
17. The Committee after detailed deliberations and perusal of record concludes that since Respondent Dr. Waleed Malik does not fulfill the criteria for issuance of permanent license and permanent license was issued to him due to a human error, therefore the Disciplinary Committee decides to permanently cancel that permanent/full license no. 35188-N. Respondent Dr. Waleed Malik is directed to follow the process of licensing and submit his application for permanent license after fulfilling the criteria including passing of NLE/NEB. The Committee further directs that copy of this decision be also forwarded to College of Physicians and Surgeon Pakistan (CPSP), all the provincial Healthcare Commissions and District Health Authority Mardan.



Prof. Dr. Noshad Ahmad Shaikh

Member



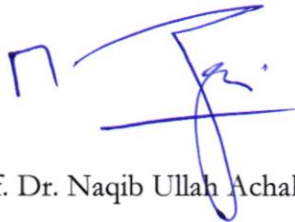
Mr. Jawad Amin Khan

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Barrister Ch. Sultan Mansoor

Secretary



Prof. Dr. Naqib Ullah Achakzai

Chairman

27th October, 2022