BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. PF.8-2034/2021-DC/PMC

Nadeem Mustafa Vs. Dr. Fouzia Ashraf (22498-P)

Mr. Ali Raza	Chairman
Dr. Anis-ur- Rehman	Member
Dr. Asif Loya	Member

Present:

Nadeem Mustafa	Complainant
Dr. Fouzia Ashraf (22498-P)	Respondent
Hearing dated	04.06.2022

I. FACTUAL BACKGROUND

1. Mr. Nadeem Mustafa (hereinafter referred to as the "Complainant") filed the instant complaint on 18.10.2021, against Dr. Fouzia Ashraf (hereinafter referred to as the "Respondent") for fraudulently getting registered her actual M.Phil Degree in Molecular Biology as 'M Phil Micro Biology' with PMC. Further, on the basis of fake registration she had coveted appointment as professor Microbiology in AIMC/Jinnah hospital.

II. SHOW CAUSE NOTICE

2. In view of allegation leveled in the Complaint a show cause notice was issued to Dr. Fouzia Ashraf on 21.10.2021. Show Cause Notice in relevant parts is reproduced as under:

4. ***WHEREAS,*** *in terms of the facts mentioned in the Complaint, your qualification(s) registered with the Pakistan Medical Commission (the then PMDC) are as follow:*
    a. *M.B.B.S (Punjab University Lahore-1990)*
    b. *MPhil (Microbiology, Punjab University Lahore- 2005)*
    c. *PhD (Molecular Biology, Punjab University Lahore- 2011)*

5. ***WHEREAS,*** *in terms of the facts mentioned in the Complaint and supporting documents, it has been alleged that, you have completed your M.Phil. Molecular Biology with grade "B" from Punjab University, Lahore in the session 2003-2005 and hereafter got registered with Pakistan Medical Commission as M.Phil. Microbiology. On the basis of MPhil, you further proceeded for PhD in Molecular Biology in the National Center for Excellence in Molecular Biology. (CEMB) University of Punjab in 2011; and*

6. ***WHEREAS,*** *in terms of Complaint, it has been alleged that, Microbiology has never been taught in National Center for Excellence, (CEMB) University of Punjab; and*
7. ***WHEREAS,*** *in terms of Complaint, it has been alleged that, on the basis of fake registration you have coveted appointments as professor of Microbiology in AIMC/Jinnah hospital; and*

8. ***WHEREAS,*** *in terms of the documents available on record, the M.Phil. degree submitted by you at this office for registration does not mention subject of degree, which appears to be a fake document to get registration for M.Phil. Microbiology, and*

9. ***WHEREAS,*** *in terms of the allegations levelled in the complaint, the fake registration of your qualification on the license is, prima facie, in violation of Section 29(2) and (8) of the PMC Act 2020 read with Regulation 49 and 50 of the Code of Ethics of Practice for medical and dental practitioners, Regulations 2011; and*

10. ***WHEREAS,*** *in terms of the facts mentioned in the Complaint, your license was valid up to 31-12-2019 which you have not renewed and thus your registration status with Pakistan Medical Commission is inactive since 1st January 2020, while you are still serving at Jinnah Hospital, Hamid Latif Hospital and performing PCR at Lahore Airport; and*

11. ***WHEREAS,*** *in terms of the facts mentioned in the Complaint, it is failure on your part to maintain your license as valid and in a good order and hence is a violation of Section 29 (7) (9) & (10) of the PMC Act, 2020 read with Regulation 7 (2), 49 and 50 of Code of Ethics of Practice for medical and dental practitioners, Regulations 2011, amounts to professional misconduct.*

III. REPLY TO SHOW CAUSE NOTICE

3. Dr. Fouzia Ashraf submitted reply to Show Cause Notice on 18.11.2021 wherein she contended that:

    a. *The matter in question was previously raised in Writ Petition No. 19918/2014 while challenging the appointment of answering respondent. The said writ petition was disposed of vide order dated 24.02.2015. The said order was assailed in Intra Court Appeal vide ICA No. 406/2015 which was disposed off*

by the Division Bench of Lahore High Court and it was again held that the answering respondent was competent to hold the office in question vide order dated 15.02.2018.

b. *The complaint has been filed on the instigation of Dr. Tahir Ali Javed, in an effort to extort money and blackmail the answering respondent. It is pertinent to mention here that the answering respondent is wife of Dr. Tahir Ali Javed who is using his influence to lodge false and frivolous complaints against the answering respondent.*

c. *The said degree was awarded for molecular biology to the respondent by National Center for Excellence. (CEMB) University of Punjab in 2011 as respondent had completed her MPhil jointly from University of Nebraska Medical Centre, Omaha USA and the Center for Excellence in Molecular Biology (CEMB), University of Punjab, in the field of Microbiology/ Molecular Biology. The same observation was given by the Honorable Lahore High Court in Para 11 of the order dated 24.02.2015 passed in Writ Petition No. 19918/2014.*

d. *The respondent's certificates issued by the University of Punjab duly mention the subject as "Microbiology".*

e. *The answering respondent has already applied for renewal of license from PMC (previous PMDC) vide challan no. 1110576153, dated 02-Oct-2019. The reminders for the same have been duly submitted by the answering respondent which is still pending with PMC.*

f. *It is further stated that the undersigned was appointed on the mentioned posts on the basis of her exceptional qualifications and unembellished record. The undersigned's husband had no nexus with any appointment of the undersigned whatsoever. It is pertinent to mention here that the undersigned is not on speaking terms with her husband and they are involved in a plethora of litigation and the present frivolous complaint has been falsely lodged by the husband of undersigned in collusion with complainant to harass and defame the answering respondent.*

IV. REJOINDER

4. Reply submitted by the Respondent was forwarded to the Complainant for rejoinder. The Complainant filed his rejoinder on 29.11.2021 wherein he stated that:

a) *Dr. Fouzia Ashraf has a habit to use that Writ Petition which has no relevance to my complaint.*

b) *His case is not about the MPhil degree being bogus or not but rather that Respondent has illegally changed MPhil subject from Molecular Biology in her degree to Microbiology in the PMDC registration;*

c) *No one has instigated me and her fraud is well known to all Pathologists in Lahore and most faculty members in AIMC/Jinnah Hospital. There is clear cause of action and my duty as a responsible citizen is to help remove illegally appointed professors who play havoc with lives of patients. Respondent has money factory in her laboratory where her assistants refer patients from Government Hospital because of her greed.*

d) *No one has instigated me to file the complaint. Dr. Fouzia Ashraf is well aware of her fraud and of misleading both PMDC, Punjab University and then attaining a coveted position of Professor of MICROBIOLOGY- a subject she has no MPhil she failed a minor examination of Diploma of Clinical Pathology, after failing DCP that she did MPhil from a PMDC non-recognized institution called CEMB in a non-recognized PMDC Subject of "Molecular Biology". And then fraudulently used her resources got herself registered at PMDC in an entirely different subject of "Microbiology:"*

e) *Her MPhil result card states Molecular Biology but her PMDC registration states Microbiology.*

f) *There is no doubt that she has got a WRONG SUBJECT registered on her PMDC certificate. I have checked from HEC/PU and there is no agreement for Joint Degree program between Punjab University and University of Nebraska Medical Center, Omaha USA. In addition to above, it is stated that Punjab Public Service Commission rejected her application for post of Professor of Pathology. Rejection letter dated 04.05.2015 is attached.*

V. HEARING

5. Notices dated 18.05.2022 were issued to the Complainant and the Respondent, directing them to appear before the Disciplinary Committee on 04.06.2022.

6. On the said date of hearing, the Complainant and the Respondent were present, in person to avail the opportunity of hearing.

7. The Complainant stated that he took his real aunt, Mst. Nasreen Khatoon who was suffering from Cancer to Jinnah Hospital to get her checkup and PCR test done. At the Hospital, the alleged representative of the Respondent, Mr. Tajammal, met him and told him that he should take his patient to Hameed Latif Hospital where the Respondent works in the laboratory and she will get the patient's PCR tests done. Complainant stated that the patient later died due to her ailment.

8. Further, the Complainant contended that the Respondent has done her M.Phil. Molecular Biology with grade "B" from Punjab University, Lahore in the session 2003-2005 and thereafter got registered with Pakistan Medical Commission as M.Phil. Microbiology. On the basis of MPhil, she further proceeded for PhD in Molecular Biology in the National Center for Excellence in Molecular Biology. (CEMB) University of Punjab in 2011. He further stated that Microbiology was never taught at the University of Punjab in 2005 and the registration of

the Respondent is fake, on the basis of which she has attained coveted appointments in reputed institutions and destroyed the life of patients.

VI. FINDINGS AND CONCLUSION

9. Record perused and the statement of the Complainant has been heard. After narration of his statement before this Committee, the Complainant was asked to submit all documentary evidence in support of the grievances put forward by him today and earlier through his written Complaint. The Complainant again narrated that he took his real aunt, who was suffering from cancer, to Jinnah Hospital where Respondent persuaded them through a third person, Tajamal to come to another laboratory where the Respondent worked and will get the tests done.

10. Thw Committee noted that the Complainant has failed to provide any documentary evidence to substantiate his assertions. The Complainant had not brought any documentary evidence related to the allegation that his real aunt was checked at the Hospital by the Respondent, prescribed or asked to visit another laboratory where the Respondent worked. The Complainant was unable to produce any 'OPD slip' or 'registration slip' of the Jinnah Hospital where he got his real aunt, Mst. Nasreen Khatoon, the patient, checked and had to get tests done. Further, he could not produce any evidence of him taking the patient to the Respondent doctor who prescribed tests to the patient after examining her.

11. This Committee further opines that the Complainant has acute discrepancies to his complaint and within his assertions before this Committee. Complainant had given statement that he was persuaded by the Respondent to get the tests of the patient done at Hameed Latif Hospital Laboratory where the Respondent worked, in lieu of money. When he was confronted whether he got the tests done at Hameed Latif Hospital as allegedly suggested by the Respondent. The Complainant stated that neither did he get the tests of her aunt done nor did he visit the Hospital laboratory where the Respondent worked. Additionally, the Complainant had earlier contended that the patient was suffering from cancer but upon queries related to the prescriptions and prescribed tests, he stated that the patient was suffering from some chest problem. This Committee takes note that the Complainant as per his own statements was

taking and accompanying the patient to Hospitals and doctors for her ailment but does not know what the patient was suffering from.

12. It is pertinent to mention here that the Committee asked the Complainant to read his contentions as contained in the written Complaint. The Complainant frankly stated that he does not have the copy of his complaint available with him. A copy of the Complaint was provided to the Complainant and he acknowledged that he had written the Complaint was in English and similarly acknowledged his signature that he has appended on the written Complaint, however, he did not read the written document. Upon query, the Complainant stated that the complaint is written in English and he could not read it. We observe with dismay that a complaint has been lodged and author of this document, who has signed this document, cannot read the language in which the complaint has been written. It is abundantly clear that the Complainant has been put forward by someone else to initiate proceedings against the Respondent based on a fabricated complaint and set of facts.

13. The Complainant vehemently contended that the Respondent doctor had managed her post-graduate qualification of MPhil and PhD, due to which she has acquired lucrative assignments. He had the copies of the post graduate qualifications of the Respondent and asserted that the M Phil, Molecular Biology degree of the Respondent is a qualification in Agriculture and PhD degree is related to humans. He has also asserted in written rejoinder that Respondent failed a minor examination of Diploma of Clinical Pathology, after failing DCP she did MPhil from a PMDC non-recognized institution called CEMB in a non-recognized PMDC Subject of "Molecular Biology.

14. This Committee takes note of the fact that the Complainant has lodged a Complaint against the Respondent doctor's alleged malpractice during the treatment/test of his aunt but did not have any documentary proof of admission, prescription related to her real aunt, who later expired. However, the Complainant had all the information about Diploma, MPhil and PhD of Respondent which he stated he has acquired through his "sources" but again could not read a single document before us, as the degrees are also written in English. Further, he has made statement in his re joinder that the Respondent has a habit to use writ petitions in the High Court, which has no relevance to the complaint, however, it confirms the Complainant is well

aware of such court proceedings in the past. Failure to provide any evidence to support his allegation with respect to his alleged aunts alleged treatment and frequent reference to degrees and past litigation of Respondent has raised a serious question mark on the grievance and genuineness of the complaint.

15. In view of the foregoing, the Disciplinary Committee has been mandated under the PMC Act, 2020 to take disciplinary action against a full license holder in respect of professional negligence and/or misconduct while performing duties as a medical practitioner. Similarly, section 32 of the PMC Act, 2020 and the Pakistan Medical Commission (Enforcement) Regulations, 2021 provide the jurisdiction to this Disciplinary Committee to take up complaints related to medical negligence and misconduct. Furthermore, provision 11 of the Pakistan Medical Commission (Enforcement) Regulations, 2021 provide the applicable framework to deal with Complainants filing frivolous complaints, as reproduced below:

> *11. Frivolous Complaint. - (1) Any vexatious or frivolous complaint by any person may be dismissed by the Disciplinary Committee. The Disciplinary Committee's decision on the aforesaid complaint being frivolous or vexatious shall be made on the basis of facts and circumstances of each case.*
>
> *(2) Any person found to have filed a false and frivolous complaint shall be required to pay the costs incurred by the accused and a further penalty being a fine to be determined by the Disciplinary Committee*

16. In view of above, it is established beyond any shadow of doubt that the Complainant has huge inconsistencies in his statements and the complaint is not substantiated with documentary proof establishing the visit of the alleged patient to the Respondent, who was allegedly a close relative of the Complainant. In view of the facts and the circumstance of the instant case, the Complaint is found to be frivolous and vexatious and accordingly, a fine amounting to PKR 1.5 million (Fifteen hundred thousand rupees) is imposed on the Complainant and the complaint is dismissed.

17. As for the issue of degrees and registration of the Respondent is concerned, the matter has already been referred to erstwhile PMDC by Hon'ble Lahore High, Lahore vide order dated

03-05-2017 in WP No. 6126/2017. Therefore, such issue shall be dealt with in separate proceedings and the decision in this matter shall not in any manner prejudice the separate pending proceedings.

Dr. Anis-ur-Rehman
Member

Dr. Asif Loya
Member

Muhammad Ali Raza
Chairman

20th July, 2022