

PAKISTAN MEDICAL COMMISSION

Mauve Area, G-10/4,

Islamabad

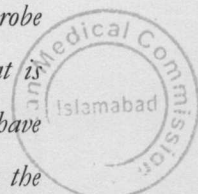


**ORDER IN THE MATTER OF COMPLAINTS AGAINST DENTAL SECTION
OF BHITAI DENTAL AND MEDICAL COLLEGE MIRPUR KHAS REGARDING
ADMISSIONS IRREGULARITIES FOR THE SESSION 2020-21**

1. This order shall dispose of the proceedings initiated against Dental Section, Bhitai Dental and Medical College, Mirpur Khas on the basis of admission irregularities brought to the knowledge of the Pakistan Medical Commission through the complaints filed by the students/candidates and the court cases pending before the different benches of High Courts in Pakistan.
2. Pakistan Medical Commission (the "Commission") established under Section 3 of the Pakistan Medical Commission Act, 2020 is the exclusive regulator to provide for the regulation and control of the medical profession and to establish a uniform minimum standard of basic and higher medical education and training and recognition of qualifications in medicine and dentistry.
3. Numerous complaints were filed with the Commission regarding admission irregularities which included admissions after closing of admission deadline, lack of transparency in interview process and merit lists, seeking fee deposit before completion of admission process, imposing unfair terms and conditions regarding fee charged to students and such other matters.
4. Hon'ble Peshawar High Court while hearing a writ petition (WP No. 85-P/2021) filed to challenge medical colleges admission process observed with concern on 01-04-2021 that:

"Keeping in view the various complaints from different students and different quarters regarding certain private medical colleges demanding hefty fees which runs into million and that too, in advance for the full term of five years studies and the inefficiencies displayed by the Pakistan Medical Commission in this respect by not taking any action against such colleges, we thought it fit to have the personal attendance of worthy Director General, NAB KPK and FLA Authorities to let us know as to in what manner the situation has worsened to such an extent and that is how they are before the court.

Today, the learned Additional Advocate General has submitted a report regarding the probe directed in the matter by the worthy Chancellor (placed on file). We wonder as to what is supposed to be the role of the Pakistan Medical Commission in this regard whether they have given a free hand to the Medical colleges to fleece the competent and intelligent students in the mode and manner they desire.



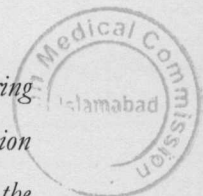
In view of complaints and rebuttal of the same by the learned counsel representing one of medical college namely Muhammad College of Medicine, Peshawar and also against certain other medical colleges, we direct both the worthy Director General, NAB KPK and the Deputy Director, FLA to hold a through probe into the matter in order to unearth the truth and submit their respective inquiry reports within three weeks.”

5. In view of abovementioned students' complaints filed with the Commission and concerns raised by the High Court, it was decided to hold a hearing in the matter to determine whether the admission process adopted by the private colleges is in contravention of the PMC Admissions Regulations Amended 2020-21 (the "Admission Regulations"). A hearing notice was issued to Dental Section, Bhitai Dental and Medical College to appear on 09-04-2021 to the avail the opportunity of hearing along with the following record:
 - All merit lists issued by the college
 - Final list of admitted students
 - Complete list of interviews held along with detail of marks
 - Copies of fee deposits bank challan receipts of admitted students
 - Bank statements of all accounts of college from 1st February to 30th March 202
6. Representatives of the college appeared on the scheduled date of hearing and explained the admission process adopted by the college. Submissions of the college heard and record perused. The following violations on the part of the college were found;
7. It is observed that six students Ahsan Waqas Khan, Muhammad Ahsan ullah Sheikh, Hamza Noor, Faqiha Shiraz, Abdullah and Afraim Bibi have been admitted in BDS program whereas these students did not apply for BDS in any college. If a student has applied for admission in the collage only for MBBS program and willfully did not apply of BDS program, the student cannot qualify of admission in BDS program. The Commission issued a public notice on 16-02-2021 categorically stating therein that admission in private medical and dental colleges shall be subject to the same program for which the student has had applied initially. The relevant part of the public notice is reproduced as under:

Admissions – Private Medical and Dental Colleges

The date of 15th February 2021 having passed for admission for private colleges, all colleges with vacant seats having the option over the next seven days (till 22 February 2021) to admit any student who may gave applied to other colleges in the same programs (MBBS and BDS) and did not obtain admission subject to admissions being strictly on merit.

Students who had applied and did not obtain admission in the colleges of their choice, may during the period of seven days contact any other colleges to which they had not applied to seek admission if they fall within the merit. The admission shall be subject to the same program for which the



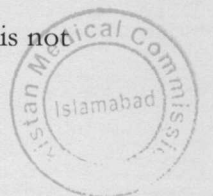
student had applied for initially. Therefore, a student who never applied for BDS program to any college cannot during this period seek admission in BDS program.

8. From time to time clarifications were sought from the Commission by the colleges in this regard. The Commission made it crystal clear that students who could not get admission in MBBS program and are willing to join BDS program having higher merit cannot be admitted in BDS program if they have not applied of BDS program initially.
9. This principle has also been settled by the Hon'ble Lahore High Court, Bahawalpur Bench vide judgment dated 01-04-2021 passed in Writ Petition No. 2312/2021. The Hon'ble High Court held that:

So far as the argument of the petitioner that as per Regulation 19D of the Admission Regulations Amended 2020-21, the petitioner is entitled to get admission in the college against a vacant seat irrespective of initial option mentioned in the application form, is concerned, it suffices to say that Regulation 19D ibid only permits the students who could not qualify merit in the colleges for their choice in the program in which they applied rather to change the status of their application filed online.

.....it is crystal clear that it gives the option of getting admission to those students, who had applied to other colleges but could not get admission in the college of their choice in the program, thus are allowed to be admitted in any other college on merit in the program in which they had applied. it does not entitle the student to get admission in the program other than they applied for.

10. College has admitted six students Ahsan Waqas Khan, Muhammad Ahsan ullah Sheikh, Hamza Noor, Faqiha Shiraz, Abdullah and Afraim Bibi in BDS program who did not opt for BDS program initially as per their online application form on PMC portal. By admitting them in BDS program, the college has created an exception and has attempted to override a well settled policy framed by the Medical and Dental Council. Medical and Dental Colleges do not have any discretion to interfere in the policy decision of the constituent body of the Commission who has the sole prerogative to frame such policies under the PMC Act, 2020. Therefore, admissions given to abovementioned or any other such student by the college stand cancelled. Such vacant seats shall be considered by the Commission after the expiry of sixty days period from the close of admission.
11. Moreover, the college has collected advance income tax from students at the time of deposit of fee. The College is required to deposit the tax collected from students at the time of fee deposit with the national exchequer within fifteen days and submit the compliance report to the Commission within thirty days of this Order. A copy of the college's fee deposit record and deduction of tax is being shared with the FBR for perusal of the matter if such tax is not deposited by the college within the prescribed time.



12. In addition, if any student has been asked to pay any fee beyond the first year's fee, the student has a right to seek a refund and the student may apply for the same with a copy to the Commission to ensure compliance by the college.

A handwritten signature in black ink, consisting of several loops and a final flourish.