

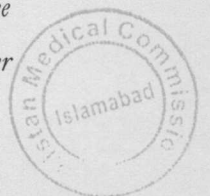


**ORDER IN THE MATTER OF COMPLAINTS AGAINST JINNAH MEDICAL
AND DENTAL COLLEGE KARACHI REGARDING ADMISSIONS
IRREGULARITIES FOR THE SESSION 2020-21**

1. This order shall dispose of the proceedings initiated against Jinnah Medical and Dental College, Karachi 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.

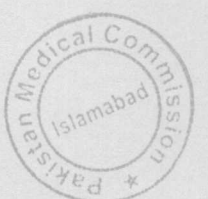


In view of complaints and rebuttal of the same by the learned counsel representing one of medical college namely Muhammad College of Medicine, Peshawar and also against certain other medical colleges, we direct both the worthy Director General, NAB KPK and the Deputy Director, FLA to hold a through probe 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 Jinnah Medical and Dental College to appear on 08-04-2021 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 the college has admitted a new student Hiba Naz on 17-03-2021 after the close of admission deadline. In terms of Regulation 19D of the Admission Regulations, the private colleges were required to conclude their admissions on the given date of 1st March 2021 announced and communicated to them by the Commission. If any seats remained vacant after close of admissions, each college had seven days upto 8th March 2021 to fill such seats from students who may have applied to other colleges but did not obtain admission in such colleges, subject to them being interviewed by the college and admission being on merit. Therefore, the admissions had to be concluded by the college by 1st March 2021. No further admission was to be made by the college after availing the seven days’ time period to fill vacant seats on close of admissions on 8th March 2021.
8. Regulation 7 and 8 lucidly explain that no vacant seat is to be filled by the college from its waiting list after close of admissions.

Regulation 7

In the event that a student drops out or is removed after being admitted within sixty (60) days of close of admissions, and there are during the transfer period no applicants for transfer pursuant to Regulation 8, the college shall be permitted to admit a student on the vacant seat within fourteen



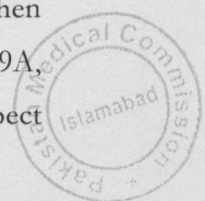
(14) days of the sixty (60) day period provide herein ending, subject to fulfilment of merit as per the merit list issued by the Commission or in the event of a public college the merit list issued by the relevant provincial admitting authority. No college shall be permitted to fill a seat falling vacant after the close of sixty (60) days period.

Regulation 8

If a seat is vacant in a college after the close of admissions, a student having been admitted to any other college may apply to such college for transfer within thirty (30) days of close of admissions. The transfer shall be approved by the accepting college strictly on higher merit if more than one applicant for a vacant seat immediately at the close of the thirty (30) day transfer period. The college from whom the student transfers shall be required to reimburse the student the fee deposited by the student, other than the non-refundable admission fee, within fourteen (14) days of transfer and after deducting pro rata the fee for the number of days the student remained at the college.

.....

9. Therefore, if a seat is vacant in a college after the close of admissions, a student having been admitted to any other college may apply to such college for transfer within thirty days of close of admission, the transfer shall be approved immediately at the close of thirty days transfer period. Any seat remaining vacant after transfer window is to be filled after expiry of sixty days of close of admission on the basis of merit list of the Commission. The transfer window was hence available for 30 days after close of admissions on 8th March 2021 and consequently closed on 7th April 2021.
10. New admissions after 8th March 2021 and that too from the waiting list of the college are in patent violation of the Admissions Regulations. Therefore, the abovementioned and any other fresh admissions by the college after expiry of seven days from close of admission date i.e. 8th March 2021 stand cancelled. The students admitted irregularly to such vacant seats shall be retained provisionally subject to the final process to be undertaken post 8th May 2021 and if no other student applies for such vacant seat or if applies is lower on merit than the irregularly admitted student, the admission of the student in question will be regularized.
11. While reviewing the documents provided by the college certain inherent discrepancies and irregularities have been observed in the admission process. As for the process to be followed for the admission a student who appeared on the National Merit list of any college issued by the Commission has a right to seek admission in that college. Admission process adopted by the college should clearly spell out each step followed till final consolidated merit list such as the registration of student for interview and once interviews are conducted, marks for such interview are to be added to the student's merit weightage and displayed on the website of the college in the form of the final merit list. Once the assessment process is completed only then the college will publish on its website the list of final admitted students. Regulations 19, 19A, 19B, 21 and 22 of the Admission Regulations categorically provide guidelines on this aspect as under:



Regulation 19

The Pakistan Medical Commission shall on 24th January 2021 issue a National Merit List for each private college. The merit list of each college shall list all applicants who have listed the college as a preference and shall be organized strictly on merit.

Regulation 19A

.....PMC shall issue the Merit List for each college on 24th January 2021, who shall carry out their own interviews which shall have a weightage of 20%. Each college will display on their website the structure of the interview for the information of students before 25th November 2020.

Regulation 19B.

The college shall add the score of the interview and consolidate with the MDCAT / F.Sc. based aggregate of the student issued by PMC. The college shall finalize the total aggregate out of 100% for final merit of the students. This aggregate shall be used by the college for the purpose of admission to the MBBS / BDS classes. The colleges shall provide to PMC the final merit of all applying student after calculation of the 100% merit aggregate on completion of interviews. ",.

Regulation 21

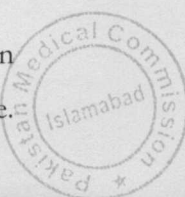
A student who appears on the National Merit list of any college issued by the Pakistan Medical Commission shall be required to contact the colleges for seeking admission on whose National Merit list the name of the student has appeared subject to any interview as may be conducted by the college and marks for such interview added to the students merit weightage. A college may in its discretion elect not to interview a student and process admissions on the basis of the National Merit list.

Regulation 22

The admission shall be undertaken by the colleges strictly on the cumulative merit as per the National Merit List and adding the weightage permissible for an interview, if conducted by the college.

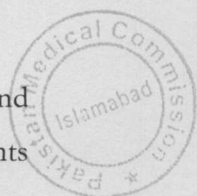
12. There are numerous complaints received from students who claim to have contacted the college but were refused an opportunity by the college for interview or were never contacted by the college for an interview from the very outset. However, unfortunately there is no concrete evidence of a failure by the college to contact all the students for interviews as generally an advertisement was made publicly by the college inviting students for interviews. However, in the future the college must adopt a more robust and transparent system to invite students for interviews to ensure that all students have been given fair opportunity to be part of their interview process and informed adequately about their merit.

13. The college claimed that interviews have been conducted, however, no merit list based on their interview marks after the conclusion of all the interviews was published by the college.



In fact the record shows that students were even admitted or offered admission at the conclusion of each of day of interviews. This represents a piece meal approach to the admission process and it simply is not possible for a college to know without having interviewed all prospective applicants as to who the top candidates are and nor is it possible for students to know cumulatively where they stand on final merit. Apparently, a pick and choose approach has been adopted. Consequently, many students may have been denied admission in the college simply for the reason that no final merit list after conclusion of all interviews was put up by the college.

14. During the hearing the college submitted that they started interviews from 25th January and continued till 02nd February 2021. There are no individual interview lists available on record for each day interview as claimed by the college to ensure that students were adequately informed about their interview marks to make an informed decision. On the contrary, the college submitted that students were given three days to deposit fee supposedly after their interview. In case of failure of fee deposit, students name was cancelled and offer was made to the next student. As per fee challans issued by the college most of the fee deposit have been made from 26th January to 02nd February. Resultantly the students were forced to opt for admission rather wait for merit list of another college they had applied to make a fair choice of admission.
15. During the hearing the college submitted that it carried out interviews for both the MBBS program and the BDS program simultaneously rather than doing so separately. Students were interviewed on the same day by same the admission committee. It is not possible for the admission committee to assess a student that he does not qualify for a program during the interview without having finalized the interview marks and thereafter, prepared the comprehensive merit list after completing all interviews which would include the merit calculated based on FSC, MDCAT and interview scores at the given weightage of all students enabling thereafter, each student to arrive at a decision.
16. PMC Admission Regulations Amended 2020-21 lay down a mandatory process to be followed by the colleges to ensure that every student goes through a transparent process for admission. Under the said regulations the private colleges were given option to carry out interview of candidates as per their policy subject to specific conditions set down in the Regulations. Unfortunately, in the instant case the college has used interview as a tool for selection of students based on their discretion which is not legally justifiable under the legal framework given in the Admission Regulations.
17. This fact is further evidenced by the fact that the college has issued fee deposit slips before the actual merit list was published by the college or even close of interviews in some cases.
18. On perusal of documents including merits lists, final admission list, college deposit slips and banks statements, it has been observed that the college issued fee deposit slips to students



from 26th January onward and collected fee much before the merit list was actually concluded. It is pertinent to mention that PMC issued National Merit List on 24-01-2021. There is hardly any time between 24th January to 26th January for registration of students for interview, carrying out interviews, assessing student based on interview and compiling their score and then publishing the aggregate score. Such process adopted by the college runs afoul of the transparent admission mechanism provided under the Admission Regulations which required each private college to interview applying students in their entirety and then issue a comprehensive merit list after adding the interview marks. From such merit lists students would be at liberty to accept the offer of admission. Anything to the contrary would be contrary to the principle of merit and transparency. Many colleges admitted during the hearing that they used the interviews to assess the financial capacity of the student, even prior to determining the merit of the student. This in itself is violative of the very purpose of the interview. It is only after a student has been offered an admission on merit that their ability or willingness to pay the fee would become relevant. Apparently in their haste to simply fill the seats and lock in fees against such seats the college patently ignored the fundamental principle of admission on merit.

19. In view of above, the whole process of admissions followed by the college lacks transparency. Students have been admitted prior to issuance of a comprehensive merit list after conclusion of all interviews and even the publication of the merit lists is questionable in terms of timing and consequent time given to students to pay their fee while further students were being given offers at interviews itself. Selected students at the interview itself were made to pay fee to accept the offer of admission. Such practice of the college is in contravention of the Admissions Regulations, therefore;
 - a. the admissions of students for the session 202-21 in the college are deemed as suspended for the reasons discussed above in detail; and
 - b. furthermore, the interview marks given by the college are held to be non-transparent and in violation of the Regulations and therefore, stand cancelled for consideration in determination of the final merit.
20. In order not to harm the students who have been represented by the college as admitted, their current admission shall be treated as provisional and the following steps shall be taken;
 - a. The merit shall be deemed to be the merit issued by the Commission.
 - b. The student with the lowest merit as per the college's admission list stands at 55.250% of the merit issued by the Commission representing 80% of the total marks; this shall be the minimum benchmark.
 - c. The Commission shall publicly advertise inviting any student who appeared on the National Merit list of the college issued by the Commission and did not get admission to the college to apply within 5 days of the advertisement;



- d. The students who seek to apply shall be considered if; (i) they have more than the minimum benchmark merit of the College, (ii) they have not obtained admission in some other college already;
 - e. If the student applying fulfills the criteria in (d) and their merit as per the National Merit list is higher than the minimum benchmark they shall be offered admission in the college;
 - f. A student offered admission shall be given two days to deposit the annual fee of the college to accept the admission failing which the offer shall be deemed withdrawn;
 - g. If any student is admitted to the college through this process, the admission of the student at the lowest merit shall stand cancelled;
 - h. The cost of advertisement for the re-admission process shall be borne by the college.
21. 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.
22. 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.

