

PAKISTAN MEDICAL COMMISSION

Mauve Area, G-10/4,

Islamabad



**ORDER IN THE MATTER OF COMPLAINTS AGAINST DENTAL SECTION,
FRONTIER MEDICAL COLLEGE ABOTTABAD REGARDING ADMISSIONS
IRREGULARITIES FOR THE SESSION 2020-21**

1. This order shall dispose of the proceedings initiated against Dental Section, Frontier Medical College Abbottabad 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, FIA 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, Frontier Medical College Abbottabad to appear on 06-04-2021 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 Muhammad Safwan Fida on 25-03-2021 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



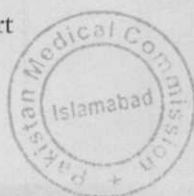
Regulation 8, the college shall be permitted to admit a student on the vacant seat within fourteen (14) days of the sixty (60) day period provide herein ending, subject to fulfilment of merit as per the merit list issued by the Commission or in the event of a public college the merit list issued by the 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.

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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, abovementioned or any other fresh admissions by the college after expiry of seven days from close of admission date i.e. 8th March 2021 stands 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. It is observed that a student Amina Fida, MDCAT Roll No. 1102204 has been admitted in BDS program. Also, another student Zurabkhan Marsimbayer, SAT II has been provisionally admitted in BDS program as informed vide letter dated 07-04-2021 whereas both 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 have applied to other colleges in the same programs (MBBS and BDS) and did not obtain admission subject to admissions being strictly on merit.

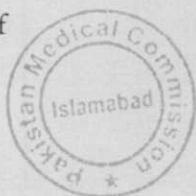
Students who had applied and did not obtain admission in the colleges of their choice, may during the period of seven days contact any other colleges to which they had not applied to seek admission if they fall within the merit. The admission shall be subject to the same program for which the student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

12. 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.
13. 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.

14. College has admitted student, Amina Fida in BDS program who did not opt for BDS program initially as per their online application form on PMC portal. By admitting her 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, admission given Amina Fida and 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.



15. 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.
16. 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.

