

Judgment Sheet  
**IN THE LAHORE HIGH COURT AT LAHORE**  
 JUDICIAL DEPARTMENT

ICA No.36399 of 2019

Pakistan Medical and Dental Council, Islamabad

*Versus*

Shahida Islam Medical Complex (Pvt.) Limited etc.

**J U D G M E N T**

Date of Hearing	24.06.2019
Appellant By:	Ch. Muhammad Umar, Advocate
Respondents By:	Ms. Ambreen Moeen, DAG. Mr. Munawar us Salam, Advocate for Respondent No.1 Shahida Islam Medical Complex (Pvt.) Limited in ICA No.36399/2019. Ch. Sultan Mehmood, Advocate for Respondents No.1 to 17 in connected ICA No.36401/2019. Mr. Khalid Ishaq, Advocate for Respondent No.19 Sahara Medical College, Narowal in connected ICA No.36401/2019. Rao Muhammad Faisal Iqbal, Advocate for Respondent No.1 Avicenna Dental College, Lahore in connected ICA No.31021/2019. Mr. Haroon Mumtaz and Mr. Hassan Pervaiz, Advocates for Respondent No.1 Colleges in connected ICAs No.16407/2019, 16416/2019 and 16419/2019. Ch. Muhammad Atiq and Mufti Ahtsham Uddin Haider, Advocates for Respondent University of Health Sciences, Lahore.

**Ayesha A. Malik J:** This common judgment decides upon the issues raised in the instant ICA along with connected ICAs detailed in Schedule "A" appended with the judgment.

2. The instant ICA and ICAs No.36401/19, 36402/19 have impugned order dated 3.6.2019 whereby the learned Single Judge allowed the writ petitions of the medical colleges in the following terms:

In view of the above, this petition, along with connected petitions, is allowed to the extent that respondents are directed to extend the same relief, as has already been granted to Hashmat Medical College, Gujrat as

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well as the concession given to Bolan University of Medical and Dental Health Sciences, Quetta, as is evident in advertisement dated 31.05.2019 published in Daily Dawn. The necessary process/approvals shall be initiated/granted within 7-days from the date of receipt of certified copy of this order.

3. ICA No. 31021/19 has impugned order dated 14.3.2019 passed by the learned Single Judge in WP No.9778/2019 wherein Avicenna Dental College sought a direction to the University of Health Sciences ("UHS") to conclude the admission process for the dental college with respect to the 2018-19 academic session and the learned Single Judge allowed the writ petition of Avicenna Dental College by directing the Respondents to admit students against 50 seats allocated to Avicenna Dental College. In this case the learned Single Judge has relied upon earlier decisions made in WP Nos.9468/19, 9503/19 and 9493/19.

4. ICAs No.16407/19, 16416/19, 16419/19 have impugned order dated 28.2.2019 passed by the learned Single Judge whereby the petitions of the medical and dental colleges were allowed and UHS was directed to admit students after the cut off date of 31.1.2019 as per the allocated quota.

Arguments of the Appellant, Pakistan Medical and Dental Council ("PMDC")

5. Chaudhary Muhammad Umar, Advocate for the Appellant PMDC argued that the underlying objection that the Appellant has in all ICAs is with respect to the extension granted by the Court in the admission cut off date, which is regulated by PMDC. Specifically he argued that in ICAs No.36399/19, 36401/19 and 36402/19 the impugned order dated 3.6.2019 has allowed the writ petitions of the medical colleges and students on the ground of discrimination whereas no case of discrimination was made out by the Respondents. He explained that Hashmat Medical College, Gujrat ("HMC") is not allowed to admit any new student as the college was de-notified by the Federal Government vide notification dated 14.01.2019, hence there is no question of any student being admitted to HMC. Learned counsel explained that the Appellant did not extend the deadline of admissions to HMC, rather it adjusted students of HMC in other medical colleges to safeguard the academic year of the students. Learned counsel

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submitted that the contention that HMC was allowed admission beyond the cut off date of 31.5.2019 is factually incorrect and the conclusion that some benefit was given to HMC for the purposes of admission is contrary to the record. Learned counsel explained that 44 students of the de-notified HMC were adjusted in other medical colleges, hence it was not the medical college that was given any benefit, rather it was students already enrolled with HMC who were adjusted in other medical colleges so that they complete their education. Learned counsel argued that there is a distinction between *adjusting enrolled students* and *admitting new students*, which distinction was not taken into consideration.

6. Learned counsel further argued that the second ground which prevailed with the learned Single Judge in order dated 3.6.2019 was an advertisement issued by Bolan University of Medical and Health Sciences, Quetta ("**Bolan University**") dated 31.5.2019 calling for admission. Learned counsel argued that in the first case the advertisement was never produced by the petitioners on the first date of hearing nor appended in any of the writ petitions. Notwithstanding the same, the Appellant informed the learned Single Judge that the advertisement relied upon has been issued by the Bolan University without any permission from the Appellant, meaning thereby that this was done at their own instance. Hence PMDC has not discriminated against the medical and dental colleges as its not granted any extension to Bolan University. Learned counsel argued that the action of any admitting university without permission from PMDC does not amount to discrimination as PMDC never allowed Bolan University to call for admissions after 31.5.2019. Learned counsel also argued that there was yet another distinction which was not considered by the Court being that the academic year in the Province of Punjab commenced in November, 2018 whereas the academic year has not commenced in the Province of Baluchistan. Hence even on this account reference to Bolan University is misconceived and does not establish any discrimination.

7. With reference to ICAs No. 16407/19, 16416/19, 16419/19 wherein order dated 28.2.2019 has been impugned, he argued that several medical and dental colleges filed petitions alleging therein that PMDC had caused

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unreasonable delay in the recognition and registration process and due to the central admission policy the admission process was delayed. Consequently the Respondent Colleges had less time to fill up their available seats. Also that on 8.1.2019 the Pakistan Medical and Dental Council Ordinance, 2019 ("**2019 Ordinance**") was promulgated by virtue of which the adhoc Council approved by the august Supreme Court of Pakistan was dissolved and the new Council held its first session on 31.3.2019. These being extraordinary circumstances required extraordinary measures, hence the Court directed the Appellant and the UHS to send students for admissions with the medical and dental colleges after the cut off date of 31.1.2019. He argued that the admission period was extended from 31.12.2019 to 31.1.2019 and then to 31.3.2019 and further to 10.4.2019 keeping in mind the extraordinary circumstances. He stated that these colleges have filled up their seats and the only issue against the order of 28.2.2019 which needs to be considered is that the Respondent Colleges have no legal right to claim admission beyond the cut off date; that the Court should not have substituted the opinion of the Council with that of its own as the PMDC acted as per law in the best interest of the students.

8. Learned counsel argued that PMDC is the regulatory authority which has duly considered the extraordinary circumstances for the session of 2018-19 and has provided nine merit lists to the various different medical and dental colleges for the purposes of admissions and has also extended the cut off date from 31.12.2018 to 31.03.2019 and to 10.04.2019. Under the circumstances, he argued that a fair chance was given to all colleges including the Respondent Colleges before the Court. Hence their case that they have been discriminated or that they have not been given sufficient opportunity to fill up their seats is totally without any basis. He further argued that there is a requirement under the MBBS and BDS (Admission, House Job and Internship) Regulations, 2018 ("**Regulations**") for a nine month academic year, which cannot be maintained if the admission process is continuously extended to accommodate the wishes of medical and dental colleges. He also argued that admission through the *centralized induction system* is at its inception and due consideration to the different issues and

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problems that arise is given by the PMDC. Also the fact that the old Council was dissolved on 8.1.2019 and the new Council was notified on 28.2.2019 was taken into consideration. All these factors being extraordinary circumstances resulted in extensions up to 31.3.2019 and then 10.4.2019. Under the circumstances, the impugned orders failed to take into consideration that students admitted in the month of March, April, May or June cannot catch up or complete the academic year which started in November, 2018 and will end by December, 2018 with examinations scheduled in December, 2019.

Arguments by the Respondents

9. Mr. Munawar us Salam, Advocate for Respondent No.1, Shahida Islam Medical Complex argued that the College was established in 2016-17, however registered on 29.03.2019. On 01.04.2019 the college asked for admission for 2018-19 session to 50 students. A list was provided on 09.04.2019 of 50 students, however only ten seats were filled. The college requested for 40 more students, however the matter was delayed and eventually on 17.04.2019, the college was informed that no further admission can be made. Learned counsel argued that once the college is recognized and registered it is obligatory for the Appellant to ensure that the college is provided students for the purposes of admission against the sanctioned seats; that the seats could not be filled up from 01.04.2019 until the issuance of the impugned letter of 17.04.2019 through no fault of the college rather on account of in-action and slackness of the PMDC and the UHS; that a heavy investment has been made in setting up the college and if the seats are vacant in the first year, they will remain vacant until the fifth year meaning thereby that the Respondent college will have to bear a heavy loss since it cannot recover any fees from the vacant seats.

10. With respect to the case of Akhtar Saeed Medical and Dental College, Lahore, their grievance is that the college has been affiliated since 2009 providing education and awarding MBBS and BDS degrees. Under the centralized admission policy, seats have to be filled by the admitting university as per the allocation made by the PMDC, such that the medical colleges are provided lists against the number of available seats of students

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seeking admission as per their choice in any medical college. Hence PMDC provides the merit list to the medical colleges of the students who can be offered admission in the event of any vacancy. PMDC is required to provide successive lists to the merit list so as to ensure that the vacant seats are filled up quickly. For the academic year 2018-19 the Appellant did not fulfill its statutory obligation of allowing medical and dental colleges to fill up their vacant seats. Furthermore, they acted in a discriminatory manner by allowing admissions in HMC and allowing admission to Bolan University yet denying the Respondent College the right to admit students. He argued that the Respondent College has been making frequent requests to the admitting university UHS as well as PMDC to complete the admission process in such a way that all approved seats are filled up, however no positive steps have been taken by them. Learned counsel further argued that students are available, however the Appellant has not allowed the medical and dental colleges to fill up their vacant seats which is unfair and unreasonable for the colleges as well as students.

11. Chaudhary Sultan Mahmood, Advocate for Respondent students in ICA No.36401/2019 argued that the Respondents are all students who filed WP No.31581/2019 seeking admission against vacant seats. He argued that the Regulations provide for a centralized admission mechanism on the basis of which one merit list is made and the medical and dental colleges are allocated students in terms of the preference given by the students. In some cases the students do not opt for the medical or dental college which offered them a seat as they get upgraded to one of their higher options or they opt not to accept the admission offer, hence the seat remains vacant. The admitting university issues subsequent merit lists offering students on the merit list admission in medical and dental colleges. The students are aggrieved by a decision of the Appellant to not allow any further admission given that the students fall on the merit and given that there are vacant seats in Sahara Medical College, Narowal. Learned counsel argued that this is an irrational and unreasonable decision by the PMDC as students, who are interested in pursuing their career in medical and dental field are denied admission simply on account of an arbitrary cut off date. He stated that no

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doubt there were nine merit lists, however, the Respondents were likely to come up on the next set of merit list if they were allowed by PMDC. The entire thrust of their case is that the vacant seats should be made available to the students whose names are available on the merit list.

12. Learned counsel for ICAs No. 16407/19, 16416/19, 16419/19 while impugning orders dated 28.2.2019 and counsel for ICA No.31021/19 stated that admissions have been completed since the cut off date was extended to 31.3.2019. Hence they do not have any grievance against the PMDC or UHS. However, the Appellant Counsel clarified that notwithstanding the extension granted by PMDC at the orders of the Court, the issue whether there is a right to seek extension from the Court, remains.

Issues

13. The issues raised before the Court as set out by the Appellant are firstly; whether a case of discrimination was made out on the facts in order to grant the Respondent Colleges permission to admit students after the cut off date of 10.04.2019; secondly whether the discretion exercised by the Appellant with respect to its decision for not extending the cut off date for admission was in any manner arbitrary, unreasonable or irrational and thirdly whether the medical and dental colleges or students can seek, as of right, admission beyond the cut off date.

The facts and opinion of the Court

14. The Respondent Colleges and students filed writ petitions before this Court impugning therein letter dated 17.04.2019 issued by the Appellant to the Team Leader Admission of the UHS being the admitting university. In terms of this letter admissions to Shahida Islam Dental College, Lodhran were allowed till 09.04.2019 on the basis of a final merit list provided to the Respondent College. The PMDC informed the college that it has decided that no further admission will take place after 09.04.2019 and in the event that a student does not take up the seat then that seat remains vacant as no further admissions will be permitted. The Respondent College was aggrieved by this letter because they were registered on 29.03.2019 and applied for admission on 01.04.2019. On 04.04.2019 the Respondent

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College was informed that they should complete all admissions by 08.04.2019. On 08.04.2019 the Respondent College informed the PMDC that interested candidates were asked to apply for admission at the medical college, however no list has been provided with respect to the names of such students to the college. The UHS responded that the merit list of students who gave their consent for admission with the Respondent College has been submitted to the PMDC for further action. On 10.04.2019 PMDC approved admissions for the session 2018-19 for the Respondent College. On 13.04.2019 the Respondent College wrote to the UHS that only ten students got admission on the basis of the list provided by the UHS as most of the students on the list were admitted by other colleges, hence could not be admitted with the Respondent College. Therefore once again the Respondent College sought 40 students to complete the admission process. On 15.04.2019 the UHS informed the PMDC of the number of vacant seats with the Respondent College as only ten students had taken admission and 40 seats were vacant. On 16.04.2019 the UHS informed the PMDC that all lists have been provided to the Respondent College, 18 candidates gave their consent for admission with the Respondent College out of which some of the candidates took admission in other colleges and 22 other students also did not join the College. Essentially in terms of this letter, UHS confirmed that only ten students took admission in the Respondent College whereas the other students named in the list either did not take admission in the medical college or preferred to take admission in some other medical college. On 17.04.2019 the PMDC informed UHS that no further admission can take place with respect to Shahida Islam Dental College, Lodhran. In terms of the contents of the petition, no ground of discrimination is made out and the only case put forward by the Respondent College was that since they were registered on 29.03.2019 and the admission process started on 01.04.2019 and ended on 09.04.2019, hence they were not able to fill up the 50 allocated seats. Therefore 40 seats remain vacant, which reason cannot be attributed to the Respondent College as there was no delay on their part. Their main contention before the Court was that the requisite number of students allocated to the College for admission has not been filled up due to the delay

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by PMDC. The record shows that the letter issued by the PMDC for the adjustment of students of HMC was not part of the petitions and was provided subsequently.

15. So far as Akhtar Saeed Medical and Dental College, Lahore is concerned, they were provided nine merit lists from the beginning of the admission process uptill the date of 31.03.2019 and thereafter 09.04.2019. Subsequent to that the Respondent College repeatedly wrote to the PMDC as well as the UHS seeking more admission to fill up the vacant seats. As per the letters four seats remained vacant, which they were desirous of filling up. In terms of the contents of the petition there is no ground alleging discrimination with reference to the HMC or the advertisement issued by Bolan University.

16. With respect to Respondent Students in ICA No.36401/2019, their case is that since there are vacant seats, they should be allowed to fill up the vacant seats by allocating more students to Sahara Medical College, Narowal. In terms of the contents of the petition no allegation of discrimination was made out. Also no reference to HMC or Bolan University was found in this case. The record shows that it was never the case of these students that they have been discriminated against or that PMDC was acting in a discriminatory manner rather their only contention was that they be granted admission since there are vacant seats available in different medical and dental colleges.

17. In terms of the aforesaid, the record shows that it was never the case of any of the Respondent College or the Respondent Students that they have been discriminated against *vis-a-vis* HMC or Bolan University. These facts were allegedly brought to the notice of the Court during arguments. The learned Single Judge through the impugned order dated 3.6.2019 concluded that HMC has been allowed to admit students and Bolan University is seeking admission beyond the deadline given by PMDC, which establishes that the deadline for admission is not being honoured by the PMDC itself. We are of the opinion that these findings have been made against the record. The letter of 10.04.2019 issued by PMDC is with reference to the adjustment of students of the defunct HMC, against vacant seats. The letter is addressed

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to a candidate Adeeba Latif and reference to 44 first year students of HMC whose cases were taken up by the PMDC in its meeting on 02.05.2019 wherein it was decided that in order to protect the interest of the students and enable them to continue with their education in medicine, these 44 students be adjusted in medical and dental colleges having vacancies. As a result Adeeba Latif was informed that she should approach any of the medical colleges in the attached list to seek adjustment in the first year program, subject to fulfilling the requirements of the college in terms of payment of fee etc. Furthermore HMC was de-notified on 14.1.2019, hence there was no question of HMC being allowed any admission. Hence we find that reliance on HMC was totally misconceived as they were not admitting any medical or dental students since it was de-notified on 14.01.2019. The Appellant PMDC decided to adjust the students already enrolled and registered with HMC as they had commenced their academic year with the said college in November 2018 to safeguard their admission in medical and dental colleges. For the purposes of this adjustment, candidates were given an opportunity to approach the colleges of their choice as per the list provided to them to seek adjustment. We find that the case of *adjusting students* of HMC cannot be termed as discriminatory when compared with admitting new students. The adjusting students commenced their academic year in November 2018 and were adjusted as the college was de-notified. This is not a case of discrimination, to the contrary it is indicative of the responsible manner in which the PMDC has attempted to adjust 44 students who were already enrolled in HMC so that they do not lose out on account of the de-notification of HMC. We also note that adjusting old students is different and distinguishable from admitting new students which fact was not considered in the impugned order. Hence we are of the opinion that no concession was given to HMC on the basis of which the learned Single Judge concluded that the concession given to HMC should be given to the Respondent Colleges before the Court.

18. So far as the second ground of discrimination with respect to the advertisement issued by Bolan University, we note that this is merely an advertisement issued by the university which in no manner suggests or

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indicates that they have been allowed to issue this advertisement by the PMDC. Learned counsel for PMDC has categorically stated that Bolan University has been called upon to explain why it has issued the said advertisement and is seeking to make admission beyond the cut off date announced by the PMDC being 31.03.2019. We also note that the counsel for PMDC explained that the academic year in the Province of Baluchistan with respect to medical and dental colleges has not commenced whereas the academic year with respect to medical and dental colleges in the Punjab has commenced. This fact alone distinguishes the case of Bolan University from that of the Respondent Colleges and in no manner can be termed as discriminatory with respect to the decision taken by the PMDC. Therefore, we find that the findings of the learned Single Judge on the point of discrimination are totally without basis and against the facts.

19. The second issue before the Court is whether PMDC has acted in a discriminatory, unreasonable or irrational manner with respect to its decision to stop admissions after 10.4.2019. This issue is of significance because the crux of the petitions filed by the Respondent Colleges as well as the Students is that PMDC has not acted in accordance with its mandate under the law nor has it exercised parental jurisdiction with respect to the students seeking admission in medical and dental colleges. The 2019 Ordinance provides that a uniform minimum standard of basic medical education and training and recognition of qualifications in medicine and dentistry be established through the PMDC. In terms of Section 15 of the 2019 Ordinance, recognition of medical institution, medical university and qualification is the sole responsibility of the PMDC and all medical colleges shall apply to the PMDC for recognition of its institution as well as all its degrees. Regulation 9 of the Regulations provides for admission process. In terms of Regulation 9(22) all admissions for private medical and dental institutions shall be completed by the 31<sup>st</sup> December of each year except admissions under Regulation 12(9) of Part II. However, the last date of admission in medical and dental institutions may, in extra ordinary circumstances, be extended by not more than one month by the Admission Board constituted under Regulation 3. Regulation 9(23) provides that the lists detailing particulars of

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admitting students in public and private medical and dental institutions be submitted by the concerned Admitting University to the Council not later than the 31<sup>st</sup> March of each year for registration with PMDC and no such list and particulars of any student for registration shall be entertained after the said date. Regulation 10 of the Regulations provides that examination for each degree shall be at the end of each academic year. These Regulations were amended by the PMDC such that the academic year should spread over at least nine calendar months and every professional examination shall be held at the end of the academic year. Hence in terms of the Regulations a scheme for admission and registration with the PMDC has been provided. The admission period commences each year after announcement of the dates by the PMDC. For the purposes of admission the order of preferences given by a candidate shall be final and cannot be changed and admissions shall be made on the basis of the preference given by the candidate. In case of vacant seats a candidate can be upgraded in a subsequent list to an institution higher in preference before 31<sup>st</sup> March of each year when the final lists of admitted students is sent to the PMDC for registration. Therefore, as per the Appellant, the candidates set out their preferences for admission in medical and dental colleges and after clearing the admission test the candidates whose names are available on the merit list will be placed in medical and dental colleges as per their given preference. Regulation 9(22) provides that the admission process must be completed by 31<sup>st</sup> December of each year and if at all, there is any extension it can only be in extra ordinary circumstances that too, for one month. Once the admission process has concluded the students admitted in the medical and dental colleges have to be registered with the PMDC no later than 31<sup>st</sup> March of each year. The academic year must be at least nine calendar months after which the mandatory professional examinations are to be scheduled in terms of Regulation 10 of the Regulations.

20. The scheme provided under the Regulations controls the admission process, the academic year and registration process so as to ensure that at least a nine month academic year is available for students admitted in medical and dental colleges. The significance for regulating the admission

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process is reflected in the scheme provided PMDC as the regulator aims to admit students with the highest merit into the medical and dental colleges. Admission is a competitive process for which a clear and transparent process must be available so that candidates and colleges are duly informed of the opportunity and criteria for admission. The central admission system is in furtherance of this objective so as to ensure that there is little interference from the colleges and the choice of the candidate is given priority. When reviewing the actions and decisions of a regulatory authority the Court must consider all the facts and the role of the regulator and give deference to the regulator's decision unless grossly unreasonable so as to be infringing on a fundamental right or is against the law. The deference doctrine requires that the Court should defer to the decision of the regulator and not replace the regular decision with that of its own. Hence it is the decision making process which is reviewed so as to ensure due process of law and the procedures provided are followed.

21. In the cases before us for the purposes of 2018-19 session, the deadline for admissions was 31.12.2018 which was extended several times in order to counter the extra ordinary circumstances prevalent in the year 2019. The first extension was granted from 31.12.2018 to the end of 31.1.2019 in accordance with the requirements of the Regulations. Subsequently, the Council was dissolved on 8.1.2019 after which a new council was notified on 28.2.2019 which held its first meeting on 13.3.2019 where they granted another extension in the admission process to make up for the loss of time due to the fact there was no council. Several writ petitions were filed seeking more time in the admission process as a consequence to which the PMDC in its meeting dated 13.3.2019 decided to extend the admission process uptill 31.03.2019. The circumstances, spanning from January to March, 2019 prevented the admission process from being complete as there was no Council. Hence the PMDC took extra ordinary steps to protect the interest of the students as well as medical and dental colleges to ensure that maximum benefit is granted for the purposes of admission and to fill up the vacant seats in the colleges. A total of nine merit lists were issued on the basis of which students were admitted in the

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colleges of their given preference or were upgraded to higher colleges as per their preference. We have heard all the learned counsels for the parties at length and do not find any irregularity or discriminatory practice exercised by the PMDC during this time. To the contrary we find that numerous meetings took place in which the PMDC tried to streamline the admission process so as to ensure that the admission process for the 2018-19 session was not adversely affected by the delays of there being no Council.

22. Learned counsel for the Respondents argued at great length on the significance of the nine month academic year and whether it is mandatory or directory and whether adjustments can be made after the deadline given. However we are not convinced by the arguments made that this Court should interfere in the planning of the academic calendar so far as medical and dental colleges are concerned. The responsibility of planning the academic calendar is that of the regulator PMDC. Its primary function is to carry out admissions, registration and examinations as per the requirements of the Regulations to ensure that premier education is provided by the medical and dental colleges over a span of at least nine months, meaning that the academic year in the very least must be nine months, if not more. There is nothing before us on the basis of which the decision to have a nine month academic year can be questioned or the decision to control the admission process as per the Regulations and issue the cut off dates can be called into question.

23. In our opinion one of the cause of the problem for seeking interference in the admission process is when cases of registration and recognition of colleges are processed during the academic year and colleges are given recognition in the middle of the academic year. The Respondent Shahida Islam Medical College was registered on 29.03.2019 right in the middle of the academic year. They sought admissions thereafter and were given an opportunity to fill up their seats, however could not manage to fill up more than ten seats out of the allocated 50 seats. As per the record, due to the late registration and notification their admission process did not commence until 1.4.2019. There are two substantive issues that arise in such

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cases; firstly the process of inspection and recommendation for registration with the Federal Government by the PMDC should be regulated keeping in mind the academic year so as to ensure that medical and dental colleges are recognized and registered under the law in a timely manner. For this an annual scheme may be prepared which streamlines the recognition and registration process to match the academic year. In cases where they are registered in the middle of the academic year, if at all they are granted any admission it cannot be at the expense of the academic calendar and cannot be based on the understanding that extra classes, extra time and vacation time will be utilized to make up the months which have missed. Not only will this compromise on the quality of education but it also unnecessarily burdens the students to complete the work required to be done over a period of at least nine months being the minimum months required for such education in a shorter time. Second is the issue of admissions by colleges in the middle of an academic year. The process of recognition and registration does not *ipso facto* create a right for admission in the existing academic year simply because a college is recognized and registered. We are of the opinion that any admission offered to such colleges is by way of a concession and cannot be claimed as of right. PMDC is required to maintain its academic calendar and follow the schedule provided in the Regulations for the purposes of admissions, recognition, registration and examination. Although we understand that certain delays are out of PMDC's control, nonetheless effort must be made to streamline the registration process and to ensure that where registration takes place in the middle of academic year, colleges be refrained from admission in that academic year, if it means compromising on the academic calendar.

4. In view of the aforesaid, we are of the opinion that the extraordinary circumstances were duly considered and the extensions were given under the Regulations and by way of special relaxation. Hence the contention of the Respondent Colleges was totally misconceived that they be given more time to fill up vacant seats. No legal right has been infringed and PMDC has not acted in a manner which was detrimental to the Students or the Colleges.

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25. Under the circumstances, we hold that the learned Single Judge should not have interfered with the cut off date or the academic calendar. We also note that the petitioners before the learned Single Judge sought extraordinary relief from the Court which was beyond the scheme and provisions of the Regulations. As to the Students before the Court their prayer was that admissions be allowed so that all vacant seats are filled up and the merit list is revised sufficiently to ensure that all seats are filled up. We find that even this prayer is against the provisions of the Regulations which sets out the deadlines for admission and registration of students. Furthermore the UHS or PMDC declare a cut off merit beyond which students cannot be admitted. Hence the Court cannot grant admissions to students without considering their merit and the fact that they did not make it in nine merit lists. Consequently, we allow all the ICAs detailed in Schedule "A", setting aside the impugned orders dated 3.6.2019, 14.3.2019 and 28.2.2019.

Sd/- JAWAD HASSAN  
JUDGE

Sd/- AYESHA A. MALIK  
JUDGE

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Sd/- JAWAD HASSAN  
JUDGE

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Case No. 037/19  
 Date of Presentation of Application 24-6-19  
 Copy Fee 12  
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 Registration and Court Fee in Application 34  
 Name of Applicant 9/7/19  
 Date of Receipt of File 9/7/19  
 Date of Completion of Copy 9/7/19  
 Date of Delivery of Copy 9/7/19

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**Schedule-A**

**Details of ICAs mentioned in judgment**  
**Dated 24.6.2019 passed in ICA No.36399/2019**

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1	36399/19	Pakistan Medical and Dental Council, Islamabad v. Shahida Islam Medical Complex (Pvt.) Limited etc.
2	36401/19	Pakistan Medical and Dental Council, Islamabad v. Muhammad Huzaifa Sajid etc.
3	36402/19	Pakistan Medical and Dental Council, Islamabad v. Akhtar Saeed Medical and Dental College etc.
4	31021/19	Pakistan Medical and Dental Council, Islamabad v. Avicenna Dental College etc.
5	16407/19	Pakistan Medical and Dental Council, Islamabad v. Niazi Medical and Dental College (Pvt.) Ltd. etc.
6	16416/19	Pakistan Medical and Dental Council, Islamabad v. RLK Associates (Pvt.) Ltd. etc.
7	16419/19	Pakistan Medical and Dental Council, Islamabad v. Abwa Knowledge Village (Pvt.) Ltd. etc.

(Jawad Hassan)  
Judge

(Ayesha A. Malik)  
Judge

**ATTESTED**  
6/7/19  
Examining Section  
Law & Justice  
A