

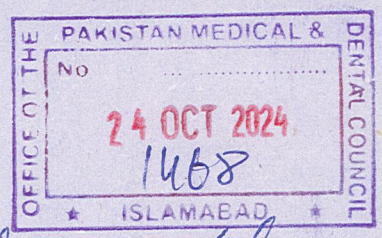
Dismissed

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THE LAHORE HIGH COURT, BAHAWALPUR BENCH, BAHAWALPUR

From

24/10 (4)



**The Deputy Registrar (Judl.),
Lahore High Court,
Bahawalpur Bench,
Bahawalpur.**

To

*President, Pakistan Medical & Dental Council
G-10/14, Mave Area, Islamabad.
Secretary, Health Department, Govt of Punjab UPR.
Vice Chancellor, The Islamia University Baf.
Principal, Sir Sadig Muhammad Khan, Abbasi
Post-graduate Medical College Bahawalpur*

No.

9759

/ Writ.

Dated:

18/10/24

Subject:- WRIT PETITION No.

7448-901

/BWP

Dr. Zahid Shabaz Siddiqui **Petitioner**

Vs

President, Pakistan Medical & Dental Council etc **Etc. Respondent**

I am directed to forward herewith a copy of order dated *14/10/24*, passed in, the case cited above, for information and strict compliance.

[Signature]

**Assistant Registrar (Writ)
For Deputy Registrar (Judicial)**

Encls,

14/10/24

1. Copy of the order
2. ~~Copy of the petition~~

Legal



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IN THE LAHORE HIGH COURT BAHAWALPUR BENCH,
BAHAWALPUR.

W.P.No. 7998 2019/BWP.

1. Dr. Zahid Shehzad Seddiqui s/o Ghulam Haider, R/o 31-C Medical Colony Bahawalpur.
2. Dr. Muhammad Shoukat Ismaeel s/o Muhammad Ismaeel, R/o Rehman Clinic near Ahmed Butt Masjid House No.42-B People Colony Bahawalpur.
3. Dr. Muhammad Sarfraz s/o Muhammad Hafeez Rajput, R/o 46-A General Official Colony Bahawalpur.
4. Dr. Faisal Islam Khan s/o Islam Muhammad Khan, R/o House No.G-1, Mohallah Iqbal Bazar, Kehror Pakka District Lodhran.
5. Dr. Javeria Shahbaz wife of Shahbaz Ahmed Qureshi, R/o 293/1 B.V Rahimiya Street Mohallah Kumhran Bahawalpur.
6. Dr. Mahvish Kiran D/o Sheikh Khalid Majeed, R/o 68 Canal Colony Bahawalpur.
7. Dr. Omeyya Zafar wife of Kamran Saqlain Kiyani, R/o 9-B/2 Tipu Shaheed Road Model Town-A Bahawalpur.
8. Dr. Sheikh Safeena Siddique wife of Muhammad Jhanzeb Khan, R/o 1-A near Telephone Exchange Satellite Town Block-W Bahawalpur.
9. Dr. Sarwat Shoukat wife of Tariq Mehmood, R/o 88-A Block-X Model Town-C Bahawalpur.
10. Dr. Ahsan Firdous C/o Principal QMC Bahawalpur.

..... Petitioners

Versus:

1. The Pakistan Medical & Dental Council G-10/4 Mauve Area, Islamabad Through its President.

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2. The Government of Punjab Through its Secretary To The Health Department Punjab Lahore.
3. The Islamia University, Bahawalpur Through its Vice Chancellor.
4. The Sir Sadiq Muhammad Khan Abbasi Post Graduate Medical College Bahawalpur Through its Principal.
5. The Federation of Pakistan Through its Secretary to The Law Justice & Parliamentary Affairs Department Islamabad.

..... Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973.

Respectfully Sheweth:

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Form No: HCJD/C-121
ORDER SHEET
IN THE LAHORE HIGH COURT, BAHAWALPUR
BENCH, BAHAWALPUR
JUDICIAL DEPARTMENT

W.P. No.7448 of 2019 / BWP

Dr. Zahid Shehzad Seddiqui & others

Versus

The Pakistan Medical & Dental Council, Islamabad through its
President & others

S. No. of order/ Proceeding	Date of order/ Proceeding	Order with signature of Judge, and that of Parties or counsel, where necessary
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14.10.2024. M/s. Nadeem Iqbal Chaudhry and Ch. Muhammad Jameel, Advocates for petitioners.
Ms. Riffat Yasmeen, Assistant Attorney General along with Malik Muhammad Aslam and Mumtaz Nawaz Joiya, Law Officers on behalf of respondent-University.

Through instant petition, petitioners have assailed vires of office letters dated 27.05.2019 & 13.06.2019, issued by respondent / Pakistan Medical & Dental Council, Islamabad ("PM&DC"), whereby case of the petitioners for recognition of their M.Phil. (Pharmacology) Degree awarded by Islamia University, Bahawalpur in the year 2015, was declined.

2. It is contended by learned counsel for petitioners that petitioners are entitled for registration / recognition of their M.Phil. (Pharmacology) Degree awarded by Islamia University, Bahawalpur in the year 2015, as they secured admission after passing GAT-General and successfully completed M.Phil. and got issued their degree, however, inaction on the part of respondent-PM&DC in this behalf is absolutely unwarranted. He has relied upon Muhammad Usman Qayyum v. University of Engineering and Technology, Lahore and 5 others (2004 SCMR 606), Muhammad Akhtar Shirani and others v. Punjab Text Book

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Board and others (2004 SCMR 1077), Abu Bakar Siddique and others v. Collector of Customs, Lahore and others (2006 SCMR 705), Fuad Asadullah Khan v. Federation of Pakistan through Secretary Establishment and others (PLJ 2009 SC 441), University of Karachi and others v. Tariq Hussain and another (2012 SCMR 1694), Ghulam Rasool v. Government of Pakistan through Secretary, Establishment Division Islamabad and others (PLD 2015 Supreme Court 6), Tahmasub Faraz Tayyab and 13 others v. Vice-Chancellor, University of Health Sciences, Lahore and 3 others (PLD 2005 Lahore 261), Muhammad Raheel Sarwar and 5 others v. University of Sindh, Jamshoro through Registrar and 3 others (PLD 2006 Karachi 82) and Amir Khalid and 14 others v. Controller of Examination, Punjab University, Lahore (2004 CLC 640).

When confronted that cases of qualification which were not registerable / recognizable, being neither inspected nor recommended by the PM&DC under Section 17 of the Pakistan Medical Commission Ordinance, 2019, could not have been entertained until and unless same are not included in the Third Schedule of PM&DC, as rightly conveyed by the respondent-PM&DC through the impugned correspondence / letters, learned counsel for petitioners remained unable to give any convincing response.

3. Undoubtedly, role of PM&DC is principally mandated to setting national standards for medical education, keeping a register of medical practitioners and accrediting medical colleges keeping in view quality of facilities, number of teachers and other terms and conditions as provided under PM&DC laws, rules and regulations. Accreditation and recognition system, put in place by PM&DC, is essential in ensuring high quality education and to safeguard careers and futures of countless students. The

institutions imparting medical education are required to fulfil minimum standards set by PM&DC. Thus, any interference by Courts of law in the mechanism of PM&DC would defeat the very purpose of said institution, especially when the same has not been shown to be illegal or without lawful authority. Reference is made to Muhammad Zubair Choudhary and others v. Pakistan Medical and Dental Council and others (2023 SCMR 2145).


The case law cited by learned counsel for petitioners is on distinguishable facts, thus, not attracted to the facts and circumstances of this case.

4. In view of the above, instant petition, being devoid of any merits, is hereby dismissed. No order as to cost.


(Muhammad Sajid Mehmood Sethi)
Judge

A.H.S.


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17 OCT 2024
SUPERVISOR
Copy Branch
Lahore High Court
Bahawalpur Bench
Bahawalpur