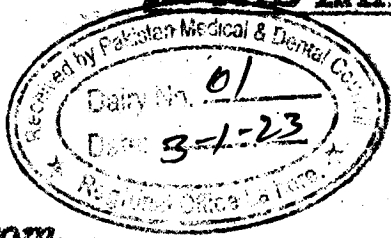


REGISTERED POST

IN THE LAHORE HIGH COURT, LAHORE



JIS WRIT

No. 81041

Dated 2/1/23

From,

**The Additional Registrar (Judicial),
Lahore High Court, Lahore**

To,

1. Pakistan Medical Commission through its Chairman, National Medical Authority, Mauve Area, G-10/4, Islamabad.
2. Incharge Regional Office, Pakistan Medical Commission, National Medical Authority, 2nd Floor, FGPGMI Building, Shaikh Zayed Hospital, Lahore.



Subject:- WRIT PETITION/ICA/CRL.ORG.NO. 81041 - 22

VS

Memo,

In continuation of this Court's Letter No. _____

Dated _____ I am directed to say that the case cited on the subject has been disposed off. A copy of order dated 20.12.22 is enclosed herewith for necessary action. A copy of Petition on which the order has been passed is also enclosed herewith.

Assistant Registrar (Writ-I)

for Additional Registrar (Judicial)

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

I.C.A No. 81041/2022.

Aina Bano.

Versus Pakistan Medical Commission through
its Chairman, etc.

| S.No. of order/ Proceeding | Date of order/ Proceeding | Order with signature of Judge, and that of parties of counsel, where necessary |
|-------------------------------|------------------------------|---|
|-------------------------------|------------------------------|---|

20.12.2022.

Mr. Amjad Ali, Advocate for petitioner.
Mr. Tahir Mahmood Khokhar, D.A.G.
Ch. Naseer Ahmad Gujjar, AAG.
Mr. Waqar Mushtaq Toor, Advocate for PMC.

This Intra Court Appeal questions legality of judgment dated 14.12.2022, whereby learned Single Judge-in-Chambers proceeded to dismiss appellant's constitutional petition.

2. Controversy involved was summed-up in the opening paragraph of impugned judgment, which is reproduced hereunder for sake of brevity,

"Through the instant Constitutional petition a Public Notice issued by Pakistan Medical Commission ("PMC") has been called into question which is to the effect that candidates who passed their F.Sc (Pre-Medical)/HSSC or equivalent exam last year (2021) and are now applying for admission in medical/dental colleges for the sessions 2022-23, are informed that only their elective subject marks and percentage will be considered for merit calculation for admission in medical & dental colleges for the sessions 2022-23."

3. Appellant successfully undertook F.Sc (Pre-Medical) Annual Examination 2021, which were conducted under the then Covid 19 Policy – where marks in non-elective subjects were awarded on the criterion of predicted performance. For the reasons known to appellant she did not opt for admissions in Medical / Dental Colleges for the session 2021-2022. She

applied for admissions for incumbent session, i.e., 2022-2023. She claimed that while undertaking weightage regarding F.Sc (Pre-Medical) marks secured in non-elective subjects must also be considered, along elective subjects – Admission policy for current session envisaged 40% weightage for F.Sc (Pre-Medical) /HSSC / Equivalent in terms of regulation No.4(2) of the Pakistan Medical and Dental Undergraduate Education (Admissions, Curriculum and Conduct) Policy and Regulations, 2022. And as per the public notice it was conveyed that marks secured in elective subjects would only be considered for weightage purposes with respect to students who took examination in 2021 and seeks admission for session 2022-2023. Appellant in essence had questioned legitimacy of instructions conveyed through the public notice.

4. Learned counsel submits that appellant is the victim of apparent discrimination, whose marks in non-elective subjects were not given due credit for weightage purposes, unlike other candidates.

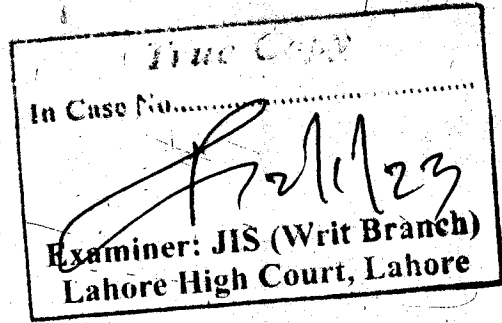
5. Submissions are misconceived. Appellant fails to appreciate the rational of the instructions conveyed through the Public Notice. Simply put, no prejudice or discrimination was intended to those candidates, which took F.Sc (Pre-Medical)/ HSSC/Equivalent Examination 2022, – and were also examined for the non-elective subjects. Appellant undertook F.Sc (Pre-Medical) under Covid-19 policy regime – whereby performance based marks were awarded qua non-elective subjects. Appellant intended to take advantage of Covid 19 policy for competing for weightage

under normal examination regime. This claim is unfair and *per se* discriminatory. It is noticeable that she had not applied for Admissions for the session 2021-2022, - where candidates were evaluated for weightage purposes under Covid Policy. No premium could be allowed upon opting for gap year. This session of 2022-2023 is different and benefit of Covid policy cannot be extended to the prejudice of fresh candidates. No illegality is pointed or found. This appeal is meritless and same is, therefore, dismissed.

(Shujaat Ali Khan)
Judge

(Asim Hafeez)
Judge

Imtiaz Nasir



-1-

IN THE LAHORE HIGH COURT, LAHORE

ICA No. 81041 /2022

In
Writ Petition No.75998 of 2022

Aina Bano daughter of Muhammad Aslam, Resident of House No.535, Street No.29,
Block Gulbahar, Sector-C, Bahria Town, Tehsil Raiwind, District Lahore.

Vs.

.....Appellant

1. Pakistan Medical Commission through its Chairman, National Medical Authority, Mauve Area, G-10/4, Islamabad.
2. Incharge Regional Office, Pakistan Medical Commission, National Medical Authority, 2nd Floor, FGPGMI Building, Shaikh Zayed Hospital, Lahore.

.....Respondents

INTRA-COURT APPEAL UNDER SECTION 3 OF THE LAW REFORMS
ORDINANCE, 1972.

Respectfully Sheweth,

GROUNDS

1. That the impugned order is against law and facts of the case.
2. That the learned single Judge while dismissing the Writ Petition has not dealt with and adjudicated upon the grounds taken in the Writ Petition in accordance with law.
3. That the learned single Judge has not applied his judicious/judicial mind while dismissing the Writ Petition in *limine*.
4. That the impugned order is the result of surmises and conjectures and the contention of the appellant has not been appreciated.
5. That the impugned order is the result of misreading and non reading of the record / material available on record.