

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-478 of 2025

[Waliullah Khilji & another versus Province of Sindh & others]

C.P. No.D-479 of 2025

[Umaiz Kamal Shaikh & others versus Province of Sindh & others]

C.P. No.D-565 of 2025

[Dr. Sidratul Muntaha versus Province of Sindh & others]

Before:

Mr. Justice Muhammad Saleem Jessar

Mr. Justice Nisar Ahmed Bhanbhro.

C.P. No.D-478 of 2025

Petitioners

Waliullah and another

Through Barrister Unaib Kamal, advocate

C.P. No D-479 of 2025

Petitioners

Umaiz Kamal Shaikh & others

Through Barrister Unaib Kamal, advocate

C.P. No. D-565 of 2025

Petitioner

Dr. Sidratul Muntaha

Through Mr. Irfan Khaskheli, advocate

Respondent No 3

PMDC

Through M/s. Zeeshan Abdullah, Adnan
Abdullah and Shoaib Khoso, advocates

Province of Sindh

Through Mr. Rafique Ahmed Dahri,
Assistant Advocate General, Sindh.

Federation of Pakistan

Through Mr. Shamsuddin Rajper,
Deputy Attorney General, for Pakistan

Date of hearing

& Decision: **30.10.2025.**

Date of Reasons: 24.11.2025

J U D G M E N T

NISAR AHMED BHANBHRO, I - We propose to decide the fate of the captioned petitions through this single order as in all the petitions common questions of law and facts are involved. The petitioners seek directions to Isra University/ Respondent No.2 to forward their names to Pakistan Medical and Dental Council (PMDC) /Respondent No.3 for registration, for issuance of Provisional Licenses enabling Petitioners to undertake House Job program, and grant of full license as General Practitioner Doctors in the field of Dentistry.

2. Learned counsel for the petitioners contended that the petitioners are meritorious students who were admitted to the Bachelor of Dental Surgery (BDS) undergraduate degree program for the academic year 2020-21 at ISRA University (Respondent No. 2). Subsequently, a dispute arose regarding the threshold of passing marks in Medical & Dental Colleges Admission Test (MDCAT), which was raised before the Principal Seat by invoking original jurisdiction in Suit No. 584 of 2021 and others. Learned Counsel submits that, following the dismissal of the injunction application in the said Suit by the learned Single Judge, of this Court, High Court Appeals were preferred, during which an interim order was passed directing the respondents not to take any coercive action. Learned Counsel maintains that under the Pakistan Medical and Dental Council Act, 2022, and the Medical and Dental Undergraduate Education (Admissions, Curriculum, and Conduct) Policy and Regulations, 2023, Respondent No. 2 is under a legal obligation to intimate the particulars of the students to the Council upon completion of admissions, successful completion of the study program, and passing of the final examination, as prescribed under Sections 20(3) and 20(4) of the Act, as well as Regulation No. 18 *ibid*. Counsel further contends that, after the successful completion of the study program and passing of the final examination, the petitioners, were awarded degree and are presently engaged in house job. He emphasizes that, in accordance with Regulation No. 18 of the aforementioned Regulations, the University and the affiliated College are required to provide the verified list of students on the PM&DC online portal within 10 days of the students' qualifying their final professional examination. This is essential for enabling students to obtain a Provisional License. Although such intimation was sent to the PMDC

(Respondent No. 3), there has been no acknowledgement or action taken by the Council, leading to the filing of this petition to seek registration of the petitioner's name with the PMDC and to secure the grant of Provisional License. Learned Counsel argued that High Court Appeals were still pending and interim orders were under operation, the Petitioners cannot be denied the right to registration and licensing. He relied upon the case of Hafiz Husnain Raza Shah and 2 others Vs Bahauddin Zakria University through Vice Chancellor and 2 others (2011 MLD 741), Farmanullah Khan Vs Controller of Examination Karachi University (2010 MLD 85). He lastly prayed to allow this Petition.

3. On the other hand, learned counsel for Respondent No. 3 (PMD) has opposed these petitions by contending that the same are not maintainable, as the Petitioners have failed to establish any violation of their fundamental rights. It is argued that the Petitioners were granted conditional admission, subject to the outcome of pending litigation, and their failure to meet the statutory criteria for registration cannot be construed as a breach of their constitutional rights. It is further argued that the Petitioners' admission was explicitly made contingent upon the final decision in HCA Nos.133-137 of 2021, which are still pending adjudication; therefore, they cannot claim an unconditional right to registration. There exists no statutory or regulatory obligation on PMDC to register students who do not fulfill the prescribed eligibility criteria. Admittedly, the Petitioners did not qualify the MDCAT 2020-2021 as per the then-applicable passing criteria of 60% marks, which was lawfully prescribed and upheld by the competent court. Learned counsel submits that the Petitioners are also guilty of laches and delay, as they have approached this Court in the year 2025 with respect to admission-related issues pertaining to the academic year 2020-2021, without furnishing any plausible explanation for such inordinate delay. He further argues that the petitions are based on misrepresentation of facts and law, as the Petitioners have selectively relied upon the provisions of the PMDC Act, 2022 and the Regulations, 2023, while ignoring that their admission and eligibility are governed by the laws and policies prevailing at the time of their admission. The Petitioners have not demonstrated any mala fides or arbitrariness on the part of Respondent No.3, and the refusal to register them is in strict compliance with the applicable law and regulatory framework. It

is contended that these petitions are frivolous and constitute an abuse of the process of the Court, filed merely to circumvent the statutory scheme and pending judicial proceedings. PMDC is under no obligation to register students admitted under conditional arrangements, particularly when the underlying condition, i.e., the decision of the Court, remains unfulfilled. He prayed for dismissal of the Petitions. He relied upon the case of Khyber Medical University and others Vs Aimal Khan and others (PLD 2022 Supreme Court 92), University of Malakand through Registrar and others Vs. Dr Alam Zeb and others (2021 SCMR 678), Justice Muhammad Farrukh Irfan Khan, Vs. Federation of Pakistan and others (PLD 2019 SC 509), Marie Stopes Society Vs Federation of Pakistan and others (2022 CLC 880).

4. Learned Assistant Advocate General and Learned Deputy Attorney General for supported the case of Petitioners. They argued that it was failure of PMDC to take action against concerned university for admitting the students, at this stage PMDC cannot refuse to register Petitioners as General Practitioners once they obtained BDS degree.

5. Respondent No 2 ISRA University despite of service, chose to remain absent, the petitions were heard and decided with the assistance of Learned Counsel for the parties.

6. Heard arguments and perusal the material available on record.

7. The crux of the controversy involved in the captioned petitions is that petitioners claim that they were duly qualified Dental Surgeons having passed Bachelor's Degree in Dental Surgery (BDS) from Isra University Hyderabad, thus PMDC was under a duty to register them as General Practitioners by granting a full license to practice. PMDC controverts this assertion on the ground that the Petitioners were admitted to BDS Program in Isra University in violation of PMC Act 2020 and rules framed thereunder, therefore, PMDC was not under obligation to accord registration to petitioners to practice as doctors.

8. Scanning of the material on record transpired that the Petitioners were admitted in BDS Course by Isra University in its academic session 2020 –

2021. The admissions in Medical Institutions for that particular year were regulated through Pakistan Medical Commission Act 2020 (PMC Act), promulgated on September 24, 2020 through Act No XXXIII of 2020. PMC, Act envisaged to establish Pakistan Medical Commission (the Commission), a body corporate to oversee the matters related to medical education. Besides other jobs and functions to perform the Commission was to oversee the admission and registration of students, accreditation of degree programs and recognition of medical and dental institutions. Sub – Section 2(d), 2(e), 2(f) and 2(g) of Section 8 of PMC Act being relevant provisions are reproduced below:

8. Powers and functions of the Council. (1) The Council shall have the functions and powers of general supervision over the working of the Commission and shall hold the President and Vice-President of the Council, National Medical and Dental Academic Board, the National Medical Authority, committees and other authorities accountable for all its functions. The Council shall have all powers not expressly vested in any other authority or officer by any other law where such powers not expressly mentioned in this Act are necessary for the performance of its functions.

(2) Without prejudice to the generality of the foregoing powers and notwithstanding anything contained in any other law for the time being in force, the Council shall have the following functions and powers, namely: –

(a)

(b)

(c)

(d) to approve accreditation standards, for under-graduate medical and dental programs of study based in Pakistan;

(e) to approve curriculum and scope of under-graduate medical and dental programs of study in Pakistan leading to general registration of the graduates of those programs to practice medicine and dentistry in Pakistan;

(f) to frame regulations for conduct of admissions in medical and dental colleges and examinations to be conducted by the Commission and approve the examination structure and standards of the medical and dental colleges admissions test, national licensing examination

and the national equivalence board examinations as proposed by the national medical and dental academic board including the standards of revalidation of licences to practice medicine or dentistry in Pakistan;

(g) to grant recognition to medical and dental institutions in Pakistan which train or grant or both train and grant medical and dental post graduate qualifications and to the qualifications granted by these institutions leading to registration of the graduates of those programs to practice medicine in Pakistan as specialists;

(h) to approve the assessment of international under-graduate medical programs and institutions for registration of their graduates in Pakistan;

9. By exercising the powers conferred under section 8(2)(f) PMC in its meeting dated 17.11.2020 approved and promulgated admission regulations for academic session 2021. PMC fixed a minimum threshold of 60 % passing marks in MDCAT for admission in any medical and dental colleges of Pakistan. Regulations 1 & 2 being relevant are reproduced below for the ease of reference:

1. *These Regulations shall be applicable to all private and public medical and dental college admissions in Pakistan for the 2021 session only.*
2. *Any student seeking admission in any medical or dental college shall mandatorily be required to have passed the MDCAT examination held by Pakistan Medical Commission. The Passing Marks for the MDCAT examination shall be 60 %.*

Provided the mandatory requirement of having passed the MDCAT examination shall not apply to any student admitted on a quota seat on the basis of a government scholarship program for foreign students under bilateral agreements with other countries subject to such student not entitled to apply for a Full License to practice in Pakistan.

10. This regulation annoyed the medical institutions as during the said particular year, few candidates secured 60 % above marks who were

adjusted in public sector medical colleges. The private medical colleges took this issue with Government of Sindh and PMDC with a request to reduce the passing marks threshold. PMDC refused to accede such request, however Government of Sindh placed the issue of passing marks in admission to Medical and Dental Colleges before its cabinet meeting dated 02.12.2021, and decided to relax the passing percentage from 60 % as fixed by PMDC to 50 %, cabinet decision was notified by the Health Department vide notification dated 7th December 2021. PMDC challenged Sindh Government's decision through Constitution Petition No D - 949 of 2022 before this Court, matter was placed before Learned Full Bench of this Court. The notifications issued by the Sindh Government were set aside vide order dated 18.03.2022, thus the issue regarding minimum threshold of 60 % passing marks in MDCAT came to a rest.

11. PMDC's admission criteria fixing 60 % minimum score in MDCAT test was challenged before this Court under its erstwhile original jurisdiction by the aspirant students in Suit No 584 of 2021 (Re - Deepak Kumar and others Vs. Federation of Pakistan & others), Suit No 731 of 2021 (Re - Ali Naveed Shaikh and others Vs. Federation of Pakistan and others), an NGO in Suit No 586 of 2021 (Social Responsibility Organization Vs. Federation of Pakistan and others), Medical Institutions in Suit No 585 of 2021 (Re - Fatima Jinnah Dental College and others Vs. Federation of Pakistan and others), and Suit No 750 of 2021 (Re - ISRA University Vs. Federation of Pakistan and others). Learned Single Bench of this Court dismissed the applications under order XXXIX Rule 1 & 2 CPC seeking restraint orders against the admission regulations through consolidated order dated 02.07.2021, it would be conducive to reproduce paragraph 24 of the order which depicted a picture of today's situation faced by the petitioners:

"24. As a result, I have no hesitation to hold that the plaintiffs have failed to make out prima facie arguable case for grant of interim injunctive relief as prayed for. Neither balance of convenience lie in their favor nor they shall suffer any irreparable loss and injury in case of refusal of injunction. However, in case interim injunction is granted, it is the defendant No 2 who shall be facing more inconvenience inasmuch as that the students who have failed in the

MDCAT would have got admissions and they would have been enrolled with PMC, while private dental colleges would have collected fees from the plaintiffs/ students, and if at the said stage, suit would have been dismissed, the net result would be a complete Chaos for the PMC relating to enrollment and registration of Plaintiffs/ students. The case law relied upon by the learned Counsel for the plaintiffs being on distinguishable facts hardly advance the case of the plaintiffs."

12. It appears from the record that High Court Appeals (H.C.A) No 133 of 2021 (Re – Fatima Jinnah Dental College and others Vs. Federation of Pakistan and others), H. C. A No 134 of 2021 (Re – Fatima Jinnah Dental College and others Vs. Federation of Pakistan and others), H. C. A No 135 of 2021 (Re – ISRA University Vs. Federation of Pakistan and others), H.C.A No 136 of 2021 (Re – Ali Naveed Shaikh and others Vs. Federation of Pakistan and others), and H.C. A. No 137 of 2021 (Re – Deepak Kumar and others Vs. Federation of Pakistan & others) were filed against order dated 02.07.2021 of learned Single Bench before this Court under its civil appellate jurisdiction. The appeals were heard on 12.08.2021 by learned Division Bench of this Court and restraining orders were passed against PMDC, operative part of the order reads as under:

Let pre admission notices be issued to the respondents as well as DAG to be served through first three modes for 17.08.2021, when reply/objections shall be filed with advance copy to the learned Counsel for the appellants. However, till next date of hearing, respondents shall not take any adverse action against the appellants pursuant to impugned order passed by the learned Single Judge on injunction applications.

13. As to the latest status of High Court Appeals, Mr Zeeshan Abdullah Learned Counsel for PMDC filed certified True Copy of the last case diary dated 20.10.2025, wherefrom it transpired that the appeal filed by ISRA University was still pending and on last date of hearing some of the appeals were dismissed as withdrawn and rest of the appeals were adjourned to 18.11.2025 at the request of learned Counsel for parties for want of further instructions. It is pertinent to notice that interim orders passed on 12.08.2021

were still in field, whereby PMDC was restrained from taking adverse action against the appellants in the said appeals.

14. Record evidenced that Petitioners were admitted to BDS degree program subject to the outcome of High Court Appeals, which even finds mention in the admission letters issued to Petitioners and other students. PMDC did not follow the High Court Appeals properly and remained silent on admissions given by University, which prima facie violated the admission regulations. PMDC was assigned a sacred task of oversight on medical and dental institutions. Order dated 12.08.2021 passed by Learned Division Bench restraining PMDC from taking any adverse action against the University did not mean that PMDC was precluded from taking any action to correct the wrong done by the appellants. "Adverse Action" means any action that negatively affects, or reasonably may negatively affect, the rights, status, standing, benefits, or opportunities of an individual or entity any action that requires administrative corrections and did not materially affect rights or benefits of any party were not "Adverse Actions".

15. Adverting to the case of Petitioners, scanning of the record revealed that Petitioners appeared in the Medical College Admission Test (MDCAT) for session 2020-2021 to get admission in Medical Colleges. The minimum threshold to passing marks was fixed as 60% of the total test score, which petitioners failed to achieve. Petitioners applied for admission in BDS course in Isra University Hyderabad, they were admitted by University with a rider that the admissions were subject to the decision of this Court in High Court Appeals No 133, 134, 135 of 2021. Isra University (Respondent No 3) through letter dated 15.07.2021 informed President of PMDC regarding admission of Petitioners and sought registration in BDS Course, letter accompanied the list of students admitted in University and details of marks secured in MDCAT. It was informed to PMDC that 24 students who secured less than 60 per cent minimum threshold marks were also admitted by University.

16. It further transpired from record that PMDC on receipt of information from colleges / universities for admission of students in contravention of Admission Regulations initiated disciplinary proceedings against the defiant colleges, which admitted students in BDS Course in violation of Admission

Regulations. The disciplinary proceedings culminated through order dated 10.01.2022, with an observation that the applications submitted by colleges for regularization of admission through letter dated 15.07.2021 shall be treated as withdrawn. No penal action was taken on the basis of statement of colleges that fees was not charged from the students. It will be conducive to reproduce the operative part of the order dated 10.01.2022 passed by PMDC in disciplinary proceedings against the defiant institutions including ISRA University, which reads as under:

In view of above facts, provisions of law and the judgments of the August Supreme Court and the submissions / statements made by the parties, the show cause notice proceedings are disposed of in terms of following:

- a. *In view of the judgment of the August Supreme Court of Pakistan and the statements of the Colleges that they shall abide by the said judgment, ensuring no MDCAT failed student is admitted, the applications for regularization as submitted by colleges on 15.07.2021 are to be treated as withdrawn/ disposed of and further in view of the Colleges statement that no fees was received from these students, no further penal action shall be taken against the Colleges. The authority is further directed to register the students initially submitted by the Colleges as admitted who have qualified the MDCAT and fulfill all other requirements.*
- b. *The Colleges may apply for regularization of admission of students who did not apply to any dental college and were admitted in BDS program in session 2021 and upon such applications being made the authority shall forthwith process the same for regularizations provided that these students have the necessary merit to fill such vacant seats."*

17. From the perusal of above order, it is crystal clear that the Respondent Isra University had undertaken before PMDC that no MDCAT failed student was admitted in the University. However, it evidenced from record that the students admitted in BDS Course in contravention of PMDC's admission regulations were neither informed of such decision by PMDC, nor their admissions were withdrawn/ cancelled by the University, contrary they

were retained as students and on completion of required course they were awarded degrees in University Convocation held on 25th January 2024.

18. It is an admitted position that the petitioners did not qualify for admission to MBBS and BDS Course as they failed to secure required minimum score of 60 % in the MDCAT test. They were admitted in the BDS Course in violation of law. Section 18 of the PMC Act required that MDCAT test was a mandatory requirement for admission, with a further warning that "No" degree shall be awarded to a student who has not passed the MDCAT test prior to obtaining admission. For the sake of convenience Section 18 is reproduced as under:

18. Medical and dental colleges admissions tests (MDCAT).—(1) *The Authority shall conduct annually on a date approved by the Council and as per standards approved by the Board a single admissions test which shall be a mandatory requirement for all students seeking admission to medical or dental under-graduate programs anywhere in Pakistan.*

(2) *No student shall be awarded a medical or dental degree in Pakistan who has not passed the MDCAT prior to obtaining admission in a medical or dental college in Pakistan:*

Provided that such requirement shall be mandatory for all students who have been enrolled in medical or dental under-graduate programs in the year 2021 and thereafter.

(3) *The admission to medical or dental programs conducted by public colleges shall be regulated as per the policy of the Provincial Governments strictly on merit and admission to a private college shall be in accordance with the criteria and requirements stipulated by the private college at least one year in advance of admissions including any additional entrance test as may be conducted by a private college subject to any conditions imposed by the relevant university to which such college is affiliated: Provided that the marks obtained by a student in the MDCAT conducted by the Authority shall constitute a minimum of fifty percent of the weightage for the purposes of admission in the public colleges.*

19. The above provisions of law debarred the Medical Institutions from admitting any student who failed the MDCAT. It was obligatory upon PMDC to effectively check that the University has admitted the students in accordance with law or not but it did not happen and the students/petitioners continued their studies and completed their degrees which were accordingly issued by the University.

20. It further transpired from the record that Isra University through letters dated 21.09.2022 and 02.11.2022 (available at page 349 & 351 of petition) intimated PMDC of continuation of the admission of MDCAT failed students and made a request for their registration. This evidenced that Isra University had kept students in dark regarding the decision of PMDC and undertaking furnished before PMDC. Being overseer of the Medical Institutions, on receiving these letters PMDC was required to act promptly, and should have intimated the admitted students jointly and severally that their admissions were not in accordance with law and on completion of degree course they will not be awarded degrees and full license to practice. But this did not happen, and by passage of time enough water was flown under the bridge, admitted students regularly attended classes for a period of about four years, on passing examinations they were issued degrees.

21. PMDC a regulator of medical and dental education in the Country is required to conduct regular inspections of the medical and dental institutions to ensure that the institutions were functioning in accordance with law. This inspection involves admission of students too, as under repealed PMC Act and PMDC Act in force, it is PMDC to regulate the admission process of MBBS & BDS courses in the country. The purpose of inspections was to ratify and confirm the registration and recognition of the institutions. In case the institutions were found involved functioning in violation of PMDC Rules and Regulations, the penal action to withdraw accreditation and Registration of the institution can be taken. Section 30 of the PMC Act provides for inspection which reads as under:

30. Inspection. – (1) The Authority shall appoint inspectors in accordance with terms and qualifications prescribed by the Council to inspect facilities for training available at the medical or dental

institutions for grant of recognition to provide house job, internship or foundation year training or post graduate training: Provided that an institution recognized for training by the College of Physicians and Surgeons of Pakistan shall be provisionally recognized by the Council for purposes of post graduate training subject to verification of compliance with prescribed criteria in due course.

(2) Inspectors shall immediately upon completion of the inspection compile a comprehensive report on the prescribed format on the standard of the inspected facilities and on the courses of study and facilities for teaching provided by the medical or dental institution inspected and shall submit it to the Authority.

(3) The Authority shall forward a copy of such report to the medical or dental institution concerned for any response prior to placing the report along with its recommendation before the Council.

(4) The Authority may conduct inspections of recognized facilities on a periodical basis, provided that every institution shall be re-inspected at least once in every five years.

22. It can be guessed from the record made available before this Court that PMDC did not conduct regular inspections of the Isra University from year 2020 onwards. Had PMDC made inspection of university on regular basis, the embarrassing situation created for petitioners at this stage would have been averted. Petitioners would have been intimated about the future consequences of admissions and they would have been tendered advice to get admissions in any course. Regular Inspections of institutions were a mandatory requirement, pivotal to the cause of establishment of PMDC and foundation to eradicate ill steps of the medical institutions. During inspections if PMDC unearthed any illegality or irregularity besides taking other penal actions it may withdraw the recognition of institution within the mandate of Section 31 of the PMC Act, that reads as follows.

31. Withdrawal of recognition.—*(1) Pursuant to an inspection, the Authority may recommend and the Council may approve the withdrawal on a temporary or permanent basis the recognition granted to an institution under sections 23, 25, 26 and 28 of the Act.*

(2) The Council shall prior to approving the withdrawal of a recognition granted to the institution under sections 23, 25, 26 and

28 give an opportunity of being heard and responding to the report and recommendations of the Authority:

Provided that for purposes of protecting the rights of existing trainees or students the Council on the recommendation of the Authority may approve a scheme to place the trainees or students at other institutions where reasonable availability exists.

23. By passage of time the students admitted by university in contravention to the provisions of the PMC Act completed four years' study program and University issued degrees to them accordingly. There is no dispute to the fact that students who are petitioners before this Court were admitted by the University pursuant to an order of the Learned Division Bench that "No Adverse Act" shall be taken against the Institutions. PMDC was never prevented from taking any action including but not limited to the cancellation of the admissions, which was the right time to initiate action enabling petitioners to pursue another career. If the degrees of petitioners are reversed, can they be compensated in any manner? Answer is quite simple, "No compensation of monetary in nature would equate their future career as Dentists". The Petitioners even cannot seek admissions in any other university in any other program at this age. It was not the fault of the Petitioners but University and PMDC were responsible for this awkward scenario. The damage that can now be done by refusing to accord petitioners a full license to practice cannot be repaired, this will cost heavily to the Petitioners. On the contrary if the Petitioners were granted a full license to practice it will not harm PMDC or any one else in any manner.

24. The legislation was live to the situations as occurred in the instant case. Legislation therefore provided to take penal actions against the institutions for violation of the provisions of PMC Act. The penal actions involved the admissions in violation of regulations. Section 34 of PMC Act empowered PMDC to initiate penal proceedings against the institutions accused of violations. The provisions of this Section enunciated that if any Institution violated or committed any act of negligence and was guilty of such contravention was deemed to have committed an offence punishable up to five years rigorous imprisonment or with fine which may extend to Rs.50

million rupees but shall not be less than Rs.10 million. Section 34 reads as under:-

34. Penalties. – (1) Whoever in contravention of provisions of this Act operates or runs or establishes or endorses any institution or advertises admissions in an institution for imparting training and education in medicine or dentistry shall be guilty of an offence punishable with rigorous imprisonment for a term which may extend to five years but shall not be less than one year or with fine which may extend to fifty million Rupees but shall not be less than five million Rupees or with both and shall also be liable to closure of such institution.

(2) Whoever in contravention of provisions of this Act admits students for imparting education in medicine or dentistry or admits students over and above the allowed number, shall be guilty of an offence punishable with fine which shall not be less than the sum total of the tuition fee for the whole duration of study for each admitted or over admitted student and may also be liable to closure of such institution.

(3) Whoever falsely gets registered with the Authority as a registered medical or dental practitioner without possessing recognized medical or dental qualifications or attempts to get registered with the Authority as a registered medical or dental practitioner without possessing recognized medical or dental qualifications, shall be guilty of an offence of fraudulent registration, punishable with imprisonment for a term which may extend to five years or with fine which may extend to ten million Rupees but shall not be less than five million Rupees or with both.

(4) Whoever falsely pretends to be registered under this Act as a medical practitioner or dentist and uses with his name any title or words or letters representing that he is so registered with the Authority or uses the word "doctor" or any other nomenclature or designation without legal basis, irrespective of whether any person is actually deceived by such pretence or representation or not, shall be guilty of an offence punishable

with imprisonment for a term which may extend to three years or with fine which may extend to ten million Rupees but shall not be less than one million Rupees or with both.

(5) Whoever aids or abets any person to falsely register with the Council as a registered medical practitioner without having recognized medical or dental qualifications shall be guilty of an offence punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten million Rupees but shall not be less than five million Rupees or with both.

(6) Whoever contravenes any other provision of this Act shall be guilty of an offence punishable with fine which may extend to ten million Rupees.

(7) In every case of offence, in which the offender is sentenced to a fine, whether with or without imprisonment, it shall be competent for the Medical Tribunal to direct that in default of payment of the fine the offender shall suffer imprisonment for a certain term, which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced or to which he may be liable under a commutation of sentences.

(8) The term for which the Medical Tribunal directs the offender to be imprisoned in default of payment of a fine shall not exceed one-fourth of the term of imprisonment which is the maximum term fixed for the offence.

(9) A penalty of imprisonment shall only be imposed by the Medical Tribunal.

(10) All offences under this Act shall be non-cognizable and triable by the Medical Tribunal.

(11) All penalties imposed by the disciplinary committee shall be paid to the Authority's account. All penalties imposed by the Medical Tribunal shall be deposited in equal amount with the Authority and the Medical Tribunal.

(12) The Authority may apply to the Medical Tribunal to recover an amount imposed as penalty and the Medical Tribunal shall direct the arrest and confinement of the defaulter until such time as the penalty is paid in full.

25. From the above provisions of law, it is abundantly clear that PMDC can initiate penal action against the defaulting institutions and can impose any of the punishment provided under the law. Since the Petitioners have obtained degrees and PMDC at no point of time has challenged the degrees, thus the degrees in possession of Petitioners cannot be defeated for the reason that they were wrongly admitted to study course. Petitioners have placed on record degree certificates issued by the University, available at pages No.357 to 445 of the Court file. The University administration has attested the genuineness of degrees, on admitting the students and awarding degrees University committed an illegality that followed penal consequences under section 34 of PMC Act. PMDC by not initiating any penal action against the University demonstrated its weakness and lack of interest in implementing the statutory provisions of law. This aspect cannot go unnoticed that PMDC on the one hand was reluctant to register the petitioners and grant them full license to practice and on the other was protecting the interests of private institutions by not taking any action against them.

26. The PMDC at this stage cannot cry over spilt milk and cannot punish the students who are the petitioners before this Court for any acts of commission or omission or negligence on their part. University administration undertook before PMDC that University will not charge any tuition fee from any student but for the entire period the students have paid fees to University, the pay orders through which petitioners paid fees to University were also the part of record and were not denied by PMDC. It appears that PMDC was in shoulder to shoulder with private Institutions to mint money without realizing the fact that students facing the agony are none else but our very own, they have to shape the future of the nation. In the peculiar circumstances future of the nation cannot be allowed to be crushed or ruined in a manner devised by PMDC and University. Under the provision of the Act, PMDC is not empowered to cancel the degree, it was for the University to award and issue degree and PMDC was required to act accordingly and grant registration. After the issuance of degree certificates, the PMDC was required to issue degree holders a provisional license to do house job and thereafter full license to practice subject to passing the

National Licensing Examination as envisaged under section 20 of the PMC Act, which reads as below:

20. National licensing examination (NLE). – (1) The Authority shall at least twice a year as per schedule approved by the Council conduct the NLE. Passing the NLE shall be mandatory for obtaining a full licence. The NLE shall be substantially based on objective computer based multiple choice questions and a practical component if determined by the Council:

Provided that there shall be no limit on the number of times a person may attempt the NLE:

Provided further that Pakistan armed forces cadets who upon successful completion of their under-graduate degree program and pre-requisite military training are commissioned in the Pakistan armed forces shall be granted an armed forces provisional licence and shall qualify their NLE during service as regulated by the service head quarters prior to grant of full licence.

(2) A person, having obtained an under-graduate medical or dental qualification issued by a university in Pakistan or an under-graduate medical or dental qualification issued by a foreign institution duly recognized by the Commission, shall be granted a provisional licence to undertake his house job within fourteen days of verification of their qualification by the granting institution: Provided that the person to whom a provisional licence is granted shall complete the mandatory requirement of passing the NLE at any time prior to issuance of full licence

(3) Any medical or dental practitioner who has obtained a licence to practice in any foreign country after having qualified from Pakistan or from a foreign institution recognized by the Commission and does not hold a postgraduate qualification recognized by the Council, shall be required to qualify the NLE for grant of a full licence to practice in Pakistan: Provided that a medical or dental practitioner who has obtained a licence to practice in a foreign country or qualified from a foreign institution, not recognized by the Commission, but has acquired a postgraduate qualification in Pakistan or from a foreign institution recognized by the Council shall not be required to qualify

the NLE and shall be granted a full licence to practice on the basis of the recognized postgraduate qualification.

27. On passing NLE, the students are required to undergo House Job training. Section 27 mandates every dental and medical college to provide a paid house job facility to the students at its own teaching hospitals who obtained a provisional license under section 20 of the Act. Section 27 reads as under:

27. House job. – (1) Every person having obtained a provisional licence under sub-section (2) of section 20 shall be required to undergo and successfully complete a mandatory one year house job, internship or foundation year, by whatever name called, at an institution recognized by the Commission or an equivalent of a house job outside Pakistan as may be recognized by the Commission.

(2) Every medical or dental college in Pakistan shall be responsible to provide a paid house job, at its own affiliated teaching hospital to all of its graduates have acquired a provisional licence. Failure to provide a house job shall result in the medical or dental college reimbursing the stipend paid to the graduate by the training hospital where the graduate obtains house job training: Provided that in the event the graduate opts voluntarily to pursue training in any other teaching hospital, their salary or stipend shall not be the responsibility of the medical or dental college of the graduate: Provided further that the stipend or salary paid to house officers shall be determined by the Provincial Government or Federal Government as applicable for public colleges and private colleges shall pay a stipend or salary not being less than the amounts applicable to public colleges.

(3) A house job, internship or foundation year shall consist of full time and structured training as specified by the Board and approved by the Council.

(4) The teaching hospital shall issue on the conclusion of the house job a certificate confirming that the provisional licence

holder has satisfactorily completed the mandatory house job modules for grant of full licence.

- .28. On passing NLE and successful completion of House job training PMDC issues a general license to the Doctors as General Practitioners, in absence of this license the degree obtained loses its worth and becomes a piece of paper. Since the Petitioners were having degree in hand but without any access to appear in NLE to qualify for house job training and license to practice as General Practitioner, therefore, unless registered with PMDC their degree was worthless. For the ease of reference section 29 is reproduced below:

29. Licensing. – (1) The Authority shall grant a full licence to practice basic medicine or dentistry as a general practitioner to a person who subsequent to qualifying the NLE has completed his mandatory one year house job or foundation year or internship satisfactorily or has successfully completed a house job, internship or foundation year equivalent to a house job at a foreign teaching hospital or institution recognized under sub-section (3) of section 28.

(2) A general practitioner may treat all ordinarily recognized common medical or dental ailments and shall not practice in fields or specialties, as recognized by the Commission for which formal training is required subject to any restrictions prescribed by the Council. In life saving emergencies treatment may be provided until ordinarily recognized specialist services can be obtained or a safe referral can be ensured. No practitioner shall represent himself as a specialist or practice as a specialist, without having appropriate qualifications, recognized and duly registered by the Commission.

(3) The Authority shall cause for the registration of a recognized post graduate, alternative or additional qualification on the licence of a medical or dental practitioner where such qualification permits the medical or dental practitioner to represent and practice such speciality in consonance to such qualification.

(4) *The Authority shall grant to a person licensed in a foreign country and in training in a foreign institution, a temporary licence for a fixed period of time to enable the person to take an elective training in a recognized institution in Pakistan which has accepted the person for training.*

(5) *The Authority shall grant to a person duly licensed in a foreign country a speciality recognized in the foreign country a temporary licence for a fixed period of time to enable the person to provide training or perform surgical or other procedures or teach in a recognized institution in Pakistan.*

(6) *The Authority shall cause for the registration and issuance of a licence under sub-sections (1), (3) and (4) to be completed within fourteen days of the applicant having submitted his application or reject the same for reasons to be stated.*

(7) *Every licensed practitioner shall be responsible to maintain his licence as valid and in good order. A practitioner shall not be permitted to practice in the absence of a valid licence issued by the Authority.*

(8) *No medical or dental practitioner shall be permitted to represent in Pakistan as having acquired or seek to practice a speciality unless the same is duly registered on his licence by the Authority.*

(9) *Every licensed medical or dental practitioner shall be required to revalidate his licence every five years in the manner and on terms determined by regulations prescribed by the Council.*

(10) *Every licensed practitioner shall be bound by the code of ethics promulgated by the Authority.*

(11) *Notwithstanding anything to the contrary contained in any other law for the time being in force, no medical certificate or prescription or medical or dental advice shall be considered valid unless obtained from a medical or dental practitioner having a valid provisional or full licence.*

(12) *No person shall be entitled to recover any charge in any court of law for any medical, dental or surgical advice or attendance or for the performance of any operation or intervention or for any medicine prescribed or supplied unless*

he is a registered medical or dental practitioner having valid registration with the Authority: Provided that a person licensed under any other law to practice some other form of medicine may prescribe medicine permissible under such law commensurate with the scope of his qualifications and training.

(13) No registered licensee shall use or publish in any manner whatsoever any title, description or symbol indicating or intended to lead persons to infer that he possesses any additional or other professional qualification unless the same has been duly recognized and registered on his licence by the Commission.

29. The outcry of the PMDC that violations so committed by the University are not curable, cannot be considered a valid consideration in comparison to the future of the students who have invested most precious time of the life to build a career as professional doctors. At this stage, they cannot be admitted to any other University or Institution to pursue a new or fresh career. It was failure of PMDC to inspect the University and see as to whether admissions in the University were in accordance with law or not. The PMDC itself went eccentric to the bounds of law and failed to perform as an efficient oversight institution that resulted into an unwarranted situation, therefore, none else but PMDC was responsible for the same. It is for the PMDC to cure and rectify the wrong done by the University and itself and come forward to secure the future of petitioners.

30. Summing up the controversy, it appears that PMDC on receipt of information of the admission of Petitioners by university did not take any action for whatsoever reasons behind the curtain. Petitioners continued study and completed degree program. The passing marks ratio was fixed through an internal arrangement by PMDC through admission policy, this either can be revised to the extent of petitioners or petitioners be allowed to go through an additional attempt of NLE. But at this stage Petitioners cannot be refused registration by PMDC and denied to appear in NLE and conduct House Job training. Court leaves it open for PMDC either to revise its decision of passing marks to the extent of students admitted in violation of admission policy of 2020 – 21 or to conduct an additional NLE examination

from them. The PMDC can initiate penal action against the admitting university for granting admissions in violation of law, however will not take any penal action against the students.

31. As to the point raised by Mr Zeeshan Abdull for maintainability of the instant petition as the decision taken by the PMDC fell under its policy domain, and by now it is settled law in various jurisdictions that Courts should generally refrain from interfering in policy decisions taken by statutory bodies and authorities tasked with running the affairs of educational institutions and students, like the PMDC in the present case. The rationale for the same is that matters of an academic nature necessitate the need for technical and professional expertise which may only be attained as a result of specialization and the experience of working with and in educational institutions. Courts are neither equipped with such expertise, nor do they possess the relevant experience that would allow for interference in such matters. However, it does not mean that the Courts would not step in at the request of the parties to ensure and ascertain whether or not minimum requirements of natural justice and principles of law have been complied with and whether a case of grave injustice has been made out. The Court will also unhesitatingly interfere in the in cases where a principle of law has to be interpreted, applied or enforced with reference to or connected with education. In the case of Petitioners intended actions on the part of PMDC was tantamount to assassinating the future, whose contribution in future could be invaluable because the country was already facing the dearth of qualified doctors which has resulted in quackery. The menace of quackery in the field of dentistry in a number of studies has been shown as a primary cause of spread of pandemic diseases like Hepatitis and HIV. Since the Petitioners agitate for their right to registration as general practitioners as doctors in the field of Dentistry and such right had backing of the constitution of country under article 18, any adverse action would militate the fundamental rights of the petitioners guaranteed under articles 4, 9, 14, 25 and 25 - A of the Constitution. Since the fundamental rights of the petitioners were involved in the case and actions by PMDC were detrimental to the future of petitioners and resulting into miscarriage of justice therefore this petition is held maintainable. Guidance in this regard can be sought from the judgments of Honorable Supreme Court in the case of Muhammad

Ilyas v. Bahauddin Zakariya University (2005 SCMR 961) and Noor Muhammad Khan Marwat v. Vice-Chancellor (PLD 2001 SC 219).

32. The case laws relied upon by learned counsel for respondent No.3 are at variance as no doubt Hon'ble Supreme Court of Pakistan has held that no admission can be granted or relaxation can be granted made in the criteria of passing marks of MDCAT but since that stage of admission has gone past by now, therefore, with due reverence those judgments of Hon'ble Supreme Court of Pakistan are not helpful in the case respondents.

33. In the wake of above discussion, a case to exercise powers of judicial review in favor of the Petitioners is made out. Consequently, all the captioned petitions are allowed. Subject to any decision by PMDC referred in para 30 of the judgment, the PMDC is directed to register the Petitioners, allow them to appear in NLE and on successful completion of house job training grant Petitioners full license to practice as General Practitioner in the field of Dentistry.

34. These are the reasons for allowing these petitions vide short order dated 30.10.2025 which is reproduced below and the same.

Heard arguments and perused the material available on record. For reasons to follow, these petitions are allowed. Consequently respondent PMDC is directed to allow the registration of petitioners Waliullah Khilji, Bhavesh Asnani (In C.P No.D-478 of 2025), Umaiz Kamal Shaikh, Karishma Kumari Lohana, Ameer Bibi Qureshi, Hadiqa Mumtaz, Seemal Jatt, Hufsa Shaikh, Anum Dahri, Prena Hindu Lohana, Emaan Fatima Syed, Eman Fareed, Javairia Muneer Memon, Sania Laghari, Areej, Samreen Naz Korejo, Muhammad Ghazan Rafique Arain, Sadia (In C.P No.D-479 of 2025) and Dr. Sidratul Muntaha (in C.P No.D-565 of 2025) and the aforesaid petitioners shall be deemed to be registered medical practitioners in terms of Regulation No.19 and 20 of Pakistan Registration of Medical and Dental Practitioners Regulations, 2023. Let such exercised be completed within a period two months from the date of this Order."

35. Office to send copy of the detailed order to Respondents for compliance. Office is directed to keep signed copy of the order in connected petition.

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Approved for reporting

Dated: 24.11.2025