

**IN THE HIGH COURT OF SINDH,  
AT KARACHI**

**Present:-**

Ahmed Ali M. Shaikh CJ &  
Yousuf Ali Sayeed, J

CP Nos. 5877, 6237, 6696 of 2020 and  
342,1454, 441, 1390 & 2348 of 2021

Petitioners :

Aqsa Jabbar and five others through Mr.  
Abdul Salam Memon, Advocate in CP No.D-  
5877 of 2020

Yasmeen Fida through Mr. Abdul Salam  
Memon, Advocate, in CP No.D-6237 of 2020

Mst. Shanza Basharat through Mr. Abdul  
Salam Memon, Advocate in CP No.D-6696 of  
2020

Rida Zulfiqar and two others through Mr.  
Abdul Salam Memon, Advocate in CP No.D-  
342 of 2021

Mst. Mahnoor Khan through Mr. Muneer  
Iqbal, Advocate in CP No.D-441 of 2021

Maryam Ghani through Mr. Abdul Salam  
Memon, Advocate in CP No.D-1390 of 2021

Uroosa Hafeez through Mr. Abdul Salam  
Memon, Advocate in CP No.D-1454 of 2021

Iqra Nadeem and another through Mr. Abdul  
Salam Memon, Advocate in CP No.D-2348 of  
2021

Noor Aqsa through Mr. Zulfiqar Ali Jalbani,  
Advocate in CP No.D-4310 of 2021.

Respondents:

Federation of Pakistan through Mr.  
Khursheed Javed, Assistant Attorney  
General

Jinnah Sindh Medical University through  
Mr. Rehman Aziz Malik, Advocate

PMC through Mr. Fahad Ali Khan, Advocate  
holding brief for Mr. Zeeshan Abdullah,  
Advocate alongwith Muhammad Anwar  
Alam, Officer Incharge PMC

The Principal, Al-Tamash Institute of Dental Medicine, respondent No.4 in CP No.D-441 of 2021 through Mr. Shajee Siddiqui, Advocate.

Mr. Abdul Jalil Zubedi, AAG

Date of hearing: 28.12.2021

### ORDER

YOUSUF ALI SAYEED, J. - Their respective petitioners were either enrolled in the MBBS Program in the academic years 2014 to 2016 or the BDS Program in the years 2016 to 2017. During their respective courses, they failed to pass either the 1st or 2nd year examinations as the case may be in the permissible number of attempts, as prescribed in terms of the prevailing policy and rules laid down by the erstwhile Pakistan Medical and Dental Council, hence were debarred from continuing their studies. However, after a change in the regulatory regime whereby the PMDC was replaced by the Pakistan Medical Commission ("PMC"), they subsequently came forward through these Petitions claiming the benefit of certain policy/circulars that were issued by the Jinnah Sindh Medical University after the prerogative of formulating a policy as to the number of attempts was conferred on the relevant universities by the PMC so as to bundle the number of permissible attempts across the first and second years so that the exams of both years could be cleared under any number of the permutations falling under the maximum cap of eight attempts. Through interim orders made in one or more of the Petitions, they were provisionally allowed to sit further examinations in continuance of their programs. However, during the course of the proceedings it transpired that they were all unsuccessful in that regard and the examination results placed on record show them to have failed. When confronted with those results, learned counsel for the Petitioners candidly conceded that no further scope remained for them to further advance in their respective programs as a matter of right. Under such circumstances, the Petitions stand disposed of accordingly leaving the Petitioners at liberty to approach the competent institutional authorities for seeking further relaxation/relief, if any.

Judge

Chief Justice