

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C.P.No.D-4029 of 2018**

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Date	Order with signature of Judge
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**Present**

**Mr. Justice Muhammad Ali Mazhar**  
**Mr. Justice Agha Faisal**

Ms. Sulachhni.....Petitioner

V E R S U S

Province of Sindh & others.....Respondents

**07.11.2018**

Mr. Mustafa Lakhani, Advocate for the Petitioner.  
Mr. M. Anwar Alam, Officer Incharge PMDC,  
Karachi office is present.  
Mr. Ovais Jamal, Advocate for Respondent No.3.  
Mr. Miran M. Shah, Addl. A.G.  
Mr. M. Zahid Khan, Assistant Attorney General.

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**Muhammad Ali Mazhar, J:** The case of the petitioner is that she was admitted as MBBS first year student in the respondent No.3 institution in the year 2009. She completed her graduation in the year 2017. After completion, she applied for the registration to the respondent No.2 which could not be accorded to, therefore, she approached to this court for some directions against the respondent No.2 for the issuance of registration certificate to the petitioner. Mr. M. Anwar Alam, Officer Incharge of Pakistan Medical and Dental Council (PMDC) is present and pointed out that the comments have already been filed by the PMDC. He referred to the letter dated 22.03.2017 attached at page 27 of the petition which has been issued by PMDC with reference to the minutes of meeting recorded in 142<sup>nd</sup> meeting held on 12.03.2016 which is also reproduced in the parawise comments of

PMDC. In fact they denied the registration on the ground that the petitioner was over admitted student but at page 31 of the court file letter of Ziauddin University issued by the Registrar to the Registrar Pakistan Medical & Dental Council is available which pertains to the case of present petitioner. In this letter the Registrar of Ziauddin University clearly stated that the case of petitioner cannot be construed as the case of over admitted student and he also attached the list of successful candidates with the signature of Controller of Examinations and the name of petitioner is appearing at Sr. No.11.

2. Mr. Owais Jamal, Advocate has filed vakalatnama for the respondent No.3/Ziauddin Medical University. With the comments of Pakistan Medical & Dental Council, the resolution dated 22.03.2017 is attached. The decision of the Council is reproduced as under:

“The Council also unanimously approved to register graduating over admitted students of private sector institutes till to date subjected to submission of affidavit by concerned Chairman of Governing Body (known by any name)/principal/Dean of institute and Vice Chancellor of degree awarding university that “from session 2016-17, no admission shall be made beyond allotted annual admission to institutes by PMDC and failing to comply shall warrant disciplinary proceedings against institutes/persons as provisioned in section 22 and 22 B of PMDC Ordinance 1962”. Furthermore, 100% tuition fee charged from each student in lieu of all charges for each year (five year total) by institute shall be paid by concerned institute to PMDC as penalty if any over admitted students graduated or intend to be registered with PMDC as student. This amnesty or relaxation shall be provided as one time dispensation only.”

3. The above decision unequivocally demonstrates that the Council has approved to register graduating over admitted students of private sector institutes subject

to submission of affidavit by concerned Chairman of Governing Body/Principal/Dean of institute and Vice Chancellor of degree awarding university to the effect that from session 2016-2017, no admission shall be made beyond allotted strength by PMDC and failing to comply shall warrant disciplinary proceedings against institutes. In this case the petitioner is only asking for registration after completing her entire MBBS course and she has already been declared successful, therefore, the earlier part of resolution applies in this case for which the counsel for respondent No.3 is directed to submit the affidavit in terms of the resolution reproduced above and thereafter the registration certificate may be issued to the petitioner. The affidavit shall be submitted to the PMDC within ten days. At this juncture, Mr. M. Anwar Alam, Officer Incharge PMDC office at Karachi, submits that the petitioner is also required to pay the registration fee for which the petitioner present in court agrees to pay the same for registration through bank draft in favour of Pakistan Medical & Dental Council, Islamabad. Petition is disposed of accordingly.

Judge

Judge

Asif

