

**ORDER SHEET**  
**HIGH COURT OF SINDH, KARACHI**

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C.P. No.D-6106 of 2020

<b>Date</b>	<b>Order with signature of Judge</b>
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**Present**

**Mr. Justice Muhammad Ali Mazhar.**  
**Mr. Justice Arshad Hussain Khan.**

Abdullah Anjum Alim .....Petitioner

Versus

Federation of Pakistan & others.....Respondents

**Date of hearing 08.12.2020**

Ms. Sarwat Israr advocate for the petitioner.

Mr. Zeeshan Abdullah advocate for the respondent No.3 a/w  
Mr. Samil Malik Khan advocate.

Mr. Kamaluddin advocate for the respondent No.4 a/w Ali  
Akbar Siyal consultant of respondent No.4

Mr. Muneer Ahmed advocate for the NTS.

Mr. Jawad Dero, Addl. A.G.

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**Muhammad Ali Mazhar, J:** The petitioner has approached this court for the declaration that there is no provision either in Pakistan Medical Commission Act, 2020 or the Admission Regulations, 2020 to refuse the petitioner an opportunity to appear in MDCAT which is to be held on 13.12.2020. It is further prayed that there is no restriction to give second chance to the petitioner that he failed to avail the first chance. It is further prayed that directions may be issued to the respondent No.3 to allow the petitioner to appear in MDCAT on 13.12.2020.

2. On notice Mr. Zeeshan Abdullah advocate has filed vakalatnama for respondent No.3 along with comments in

which it is clearly mentioned that the petitioner failed to apply to the PMC for his enrollment to appear in the MDCAT. He further argued that out of 126025 registered students 121310 appeared in the MDCAT throughout the country. It is further stated that MDCAT on 13.12.2020 is to be conducted only for 138 students who tested positive with Covid-19. The petitioner never got himself enrolled for MDCAT. He further argued that there is no provision available in the PMC Act, 2020 to provide chance to appear after cutoff date of submission of online form for MDCAT to PMC.

3. Mr. Kamaluddin advocate has filed vakalatnama for respondent No.4 which was admitting university before promulgation of PMC Act, 2020 but after promulgation of PMC Act, 2020 there was no role of admitting university as under Section 18 of the Act, 2020 the responsibility to conduct MDCAT is of Pakistan Medical Commission throughout the country as single admission test. Mr. Kamaluddin advocate referred to the comments of respondent No.4 and argued that MDCAT was scheduled to be conducted through NTS by admitting university in old law on 18.10.2020 which was not conducted due to restraining order of the court, thereafter, the petitioner was to be enrolled with PMC in new Law but he failed to get his registration.

4. Heard the arguments. To start with, we would like to point out that in para-6 of the petition, it is stated by the petitioner that due to some unavoidable circumstances, the petitioner could not appear for his NTS on 18.10.2020. In fact

no test was conducted on 18.10.2020 in view of the order passed by this court on 16.10.2020 in C.P. No.D-4953 and C.P. No.D-5036 of 2020 on the notion that after promulgation of PMC Act, 2020, the MDCAT was to be organized and conducted under Section 18 of the of the PMC Act, 2020 by Pakistan Medical Commission and not by admitting university of province under old law therefore, the contention raised in para-6 is misconceived that due to some unavoidable circumstances, the petitioner could not appear. The proper mechanism was provided by the PMC for the registration of students/candidates for appearing in MDCAT with online registration facility and advertisements were also published in the newspapers. As stated by the learned counsel for the PMC that more than 126025 students got their online enrolments and 121310 appeared in the MDCAT on 29.11.2020, however, due to Covid-19 positive tests, PMC only separated 138 students so that their test may be conducted on 13.12.2020. No justification or any plausible reason has been shown by the petitioner in his petition, however, learned counsel for the petitioner as a fall back argument took the plea that petitioner's relative died in Covid-19, therefore, he could not apply through online within the actual or extended date which is no justification. It is clearly reflecting from the order dated 28.10.2020 passed in C.P. No.D-4953, 5036, 5158 and 5237 of 2020 by this court that the last date for filing application forms to appear in the MDCAT was 02.11.2020 but on the request of learned

counsel for the petitioners in that case the last date for filing application forms was extended up to 06.11.2020 in order to facilitate the students. The last extended date for filing MDCAT forms was expired on 06.11.2020 and this petition was presented on 30.11.2020 after delay of much reasonable time and after the date when the MDCAT was over on 29.11.2020. Once the cutoff date for filing applications has expired no such directions can be issued. In the constitutional jurisdiction no such bad precedent can be made to extend the time for filing application form after expiry of cutoff date otherwise in all educational institutions and the competitive examinations everybody will come and claim such leniency and relaxation which will severely affect the discipline. The petitioner failed to point out any plausible justification for not applying within time when online application facility was also available. This petition is dismissed along with pending applications.

JUDGE

JUDGE