

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. No.D-5729 of 2019

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Agha Faisal.

Jawad Jabbar.....Petitioner

Versus

Federation of Pakistan & others.....Respondents

Date of hearing: 13.09.2019

Mr. Muhammad Riaz advocate for the petitioner.

Mr. Abdul Salam Memon advocate for respondent No. 2 & 3.

Mr. Muhammad Javed advocate for respondent No.4.

Mr. Imtiaz Ali Awan, Law Officer, Liaquat University of
Medical & Health Sciences, Jamshoro.

Mr. M. Jawwad Dero, Addl. A.G. Sindh.

Muhammad Ali Mazhar, J: The petitioner has brought this petition for seeking directions against respondent No. 2 to 4 to provide him admit card to appear in the entry test for admission in pre-medical.

2. Learned counsel argued that after passing metric examination the petitioner got admission in pre-medical group in Govt. College Chowk Azam in the year 2018 and passed his pre-medical Part-I and obtained grade "A" and also appeared in final examination in Part-II and his result was announced on 02nd September, 2019 in which he obtained grade "A" but the mark sheet and result card is still awaiting. PMDC announced entry test for the test 2019 in which the eligibility is based on 70% marks in pre-medical. Learned counsel further argued that the petitioner approached to respondent No.2 & 3 for his registration in the

entry test but they refused to entertain on the ground that online date of entry test was closed by respondent No.4.

3. Mr. Abdul Salam Memon learned counsel for the respondent No. 2 & 3 placed on record copy of an advertisement published by Liquat University of Medical & Health Sciences, Jamshoro for entry test Session 2019-2020 for admission in public and private sector medical and dental universities/ colleges of Sindh Province. The eligibility criteria mentioned in the advertisement are as follows:-

- “It is mandatory for Candidates having Domicile of Sindh Province to appear in Entry Test for Admission in MBBS/BDS Programme in Public & Private Sector Medical Universities/Colleges of Sindh Province.
- As per Admission Regulations 2018 (as amended on 30 May 2019) of PM&DC, a Candidate MUST have passed Intermediate/ HSSC pre-medical Group or Equivalent Examination (e.g. A-Level, 12th Grade etc.) with minimum 70% Unadjusted Marks, however those awaiting Results can also apply.
- Mere Appearance in Entry Test does not confer the right to Claim Admission in any Medical & Dental University/College. All the Admissions shall be provided in accordance with Allocation of Seats at respective University/College and on purely on Merit basis.”

4. In the same advertisement a procedure was also defined for the convenience of the candidate to apply. According to said procedure, the online registration process for entry test was started from 05.08.2019 till 26.08.2019. The candidates had to fill online form available at NTS website. It was further qualified in the advertisement that no admission form will be entertained which is received after the prescribed deadline. It was mandatory for every candidate to email the image of NTS paid fee voucher having bank's stamp at the prescribed email ID and also send courier through TSC photostat copy of fee voucher and all required documents to NTS address to reach

on or before 26.08.2019. It is apparent that this petition was presented on 06.09.2019 and according to the advertisement the online registration was opened from 05.08.2019 till 26.08.2019. Nothing has been placed before us to show that any NTS paid fee voucher was ever sent along with other required documents to NTS address before 26.08.2019. Ample opportunity was available to apply through online but the petitioner failed to apply. Learned counsel for the NTS also stated that petitioner failed to apply through online registration and there is no procedure to accept the forms manually. Even this petition was filed on 06.09.2019 after the deadline to apply in the entry test. All candidates were required to apply according to the terms and conditions mentioned in the advertisement by the admitting university. Even in the eligibility a clear option was also given to all candidates to apply those awaiting results. So in all fairness there was no embargo or obstruction to the petitioner not to apply within timeline mentioned in the advertisement.

5. As a result of above discussion, this petition is dismissed in limine.

JUDGE

JUDGE

Aadil Arab