

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. Nos.D-23, 710, 711 & 1269 of 2021

Date	Order with signature of Judge
------	-------------------------------

Present
Mr. Justice Muhammad Ali Mazhar
Mr. Justice Amjad Ali Sahito

- (i) **C.P. No.D-23 of 2021**
[Miss Areej Naqi vs. The Pakistan Medical Commission & others]
- (ii) **C.P. No.D-710 of 2021**
[Mehwish Channa & Sanjhar Channa vs. Pakistan Medical Commission & others]
- (iii) **C.P. No.D-711 of 2021**
[Bushra vs. Pakistan Medical Commission & others]
- (iv) **C.P. No.D-1269 of 2021**
[Hamza Khalid vs. Federation of Pakistan & others]

22.04.2021

Mr. Ghulam Shabbir Pathan, Advocate for the Petitioner in C.P. No.D-23 of 2021.

Mr. Shahabuddin Channa, Advocate for the Petitioners in C.P. Nos.D-710 & 711 of 2021.

Mr. Imtiaz Ali, Advocate for the Petitioner in C.P. No.D-1269 of 2021.

Mr. M. Zeeshan Abdullah, Advocate for PMC.

Barrister Hussain Bohra, Assistant Attorney General.

Mr. Jawad Dero, Addl. A.G. Sindh.

Muhammad Ali Mazhar, J: The case of the petitioners is that they all appeared in the MDCAT after issuing admit cards and allotting roll numbers. They filed these petitions on the premise that though they appeared in the MDCAT but they were not declared successful and according to them they attempted all questions but the results are not commensurate to the right attempts made by them in the MDCAT. Notices were issued to the Pakistan Medical Commission (PMC). On

06.04.2021 Mr. M. Adnan Abdullah, Associate of Mr. M. Zeeshan Abdullah, counsel for the PMC requested for time to bring the answer sheets of the present petitioners in court to resolve the controversy as to whether they attempted all the questions in the MDCAT despite that they were declared failed. On his request we adjourned the matter. Today Mr. M. Zeeshan Abdullah brought the answer sheets in court and volunteered to show the copies to the petitioners. According to the answer sheets, the petitioners have obtained following marks and percentage:

Sr. #	Names of petitioners	C.P. #	Marks obtained	Percentage
01.	Ms. Areej Naqvi	23/2021	63	31.5
02.	Mehwish Channa	710/2021	73	36.5
03.	Sanjhar Channa	710/2021	70	35
04.	Bushra	711/2021	79	39.5
05.	Hamza Khalid	1269/2021	95	48

2. According to above disclosure, all the petitioners failed to qualify the MDCAT wherein the qualifying marks were 120 equivalent to 60% but they could not succeed the threshold.

3. The answer sheets were shown and confronted alongwith attendance sheets to the petitioners in presence of their Advocates, however, in C.P. No.D-23 of 2021 the counsel for the petitioner has been shown the copy on which he disputed the signature of the petitioner on the attendance sheet, however, he could not dispute the roll number of the petitioner on the answer sheet nor he raised any objection that some other person sat in the examination in the place of petitioner, however, this objection cannot be entertained in the writ jurisdiction where the factual controversy cannot be decided without recording evidence. If the petitioner is so advised, she may institute legal proceedings to the extent of her claim in C.P. No.D-23 of 2021.

In view of the above, all the aforesaid petitions are dismissed alongwith pending applications.

Office is directed to place copy of this order in all petitions listed above.

Judge

Judge

Asif