

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P No.D-3467 of 2017

Order with signature of Judge(s)

Direction

For hearing of CMA No.12222/2019.

03.09.2021

Mr. Faizan Hussain Memon, advocate for the petitioner/applicant.
Ms. Wajiha Maryam Mehdi, advocate for alleged contemnor No.1/
CPSP.
Ms. Amna Usman, advocate for alleged contemnors 4 and 5/JPMC.
Mr. Ali Safdar Depar, AAG.

Heard learned counsel for the petitioner/applicant as well as respondents, counsel for alleged contemnors and learned AAG.

By judgment dated 17.10.2018, present petition was disposed of wherein certain guidelines / parameters were discussed, particularly in paragraph Nos.9 & 10 and further direction that respondent No.2 (JPMC) ***“to ensure recommendation of any candidate for appointment of Examiners for Professional Examinations strictly in accordance with law for future purposes”***. Counter Affidavit of JPMC on contempt application is appended with a letter (Pages-113 & 115), which categorically speaks that ***“for allocation of trainees to the PAF consultants in future, JPMC will review the hospital’s rules and regulations, routine practice, PMDC guidelines and also consultant the Health and Law Departments to seek guidance in this matter”***. At this juncture, counsel for College of Physicians and Surgeons of Pakistan (CPSP) contends that this is their complete prerogative and within the line of guidelines provided by the then PMDC (PMC) and they have to select examiners as per criterion from all universities. At this juncture, learned counsel for contemnors by one voice contends that Dr. Naveed Ahmed has not been recommended since 2011 by the JPMC.

In view of the above, we are of the considered view that contempt application is not maintainable, hence, same is dismissed. However, the petitioner would be at liberty to file petition, if he has fresh cause of action, if any.

JUDGE

JUDGE

Nadir/PA