

**IN THE HIGH COURT OF SINDH,  
AT KARACHI**

**C. P. No. D-2344 of 2022**

**Present:**

Ahmed Ali M. Shaikh, CJ  
and Yousuf Ali Sayeed, J

Petitioner : Teesha Kumari through Hitesh Kumar, Advocate.

Respondents No.1&2 : Province of Sindh, through Secretary Universities & Board, Karachi and Secretary, Health Department through Leela Kalpana Devi, Additional Advocate General, Sindh.

Respondent No.3. : The Secretary, Pakistan Medical Commission through Adnan Abdullah, Advocate along with Muhammad Anwar Alam, Officer Incharge, PMC, Karachi

Respondents No.4&5 : The Principal & The Registrar, Shaheed Mohtarma Benazir Bhutto, Medical College, Lyari, Karachi through Talha Abbasi and Syed Israr Hussain, Advocates.

Respondent No.6 : Nemo

Date of hearing : 15.12.2022.

## ORDER

**YOUSUF ALI SAYEED, J.** - The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution, praying that she may be admitted to the MBBS Program for Sessions 2021-22 at Shaheed Mohtarma Benazir Bhutto Medical College Lyari, Karachi (the “**College**”) in the Session 2021-2022.

2. A perusal of the pleadings submitted on behalf of the Petitioner reveals the same to be deficient in terms of setting out the minutiae of the case, as it fails to reflect the steps undertaken for purpose of admission, if any, or the relevant timeline. Indeed, even the copy of the Admission Form filed along with the Petition is bereft of a date. However, proceeding with his submissions, learned counsel for the Petitioner placed reliance on a list said to have been prepared and issued by the Pakistan Medical Commission (the “**Commission**”), reflecting the name of the Petitioner at Serial Number 152 and indicating her placement at the College.
  
3. As it transpires, the Counter-affidavits filed on behalf of the Commission and the College reflect that a number of seats had remained vacant in the relevant Session after closure of the admission deadline, and to allow for a special window to attempt to fill as many of those vacant seats as possible, the Medical and Dental Council, being the relevant organ of the Commission, had decided in its meeting held on 15<sup>th</sup> February, 2022 to devise a transparent mechanism whereby students who had not yet been admitted to any college and hence deemed to be in waiting were given a chance on merit and in a transparent manner to gain admission on any of the vacant seats.

4. To achieve this, the Commission issued the Vacant Seat Policy on 16.03.2022 where under an opportunity is provided to the respective colleges to get their vacant seats filled, if so desired, which provided an opportunity for the medical colleges to fill their vacant seats by nominating students strictly on merit. As such the Commission issued the merit lists on Vacant Seats for respective provinces, wherein the merit list on vacant seat for Province Sindh contained the name of the Petitioner nominated at Sr. No.152. However, the final right to grant admission to the nominated student as per the merit list of vacant seats remained vested with the respective college(s).
  
5. As regard the matter of the Petitioner, who had applied as a candidate from Mirpurkhas, it is said that there were 5 seats allocated for Mirpurkhas Division, all of which were filled as per merit, with the cut-off score of the last admitted student being 86.955% marks, whereas the Petitioner had only 84.369%. Hence, she was not entitled for admission on the quota of Mirpurkhas. On query posed, learned counsel was unable to demonstrate to the contrary.
  
6. Under the given circumstances, the Petition is found to be devoid of force and stands dismissed accordingly.

JUDGE

CHIEF JUSTICE