

IN HIGH COURT OF SINDH, KARACHI

C.P. No.D- 281 OF 2024

[Ali Muhammad versus The Pakistan Medical & Dental Council & others]

Before:

Mr. Justice Muhammad Saleem Jessar

Mr. Justice Nisar Ahmed Bhanbhro.

Petitioner

Ali Muhammad

Through Mr Malik Altaf Hussain Advocate

Respondent No 1

PMDC

Through M/s. Zeeshan Abdullah, and
Adnan Abdullah Advocates

Respondent No 2

SMBB MC Layari

Through Mr Talha Abassi Advocate

Province of Sindh

Through Mr. Hakim Ali Shaikh Additional
A.G. & Mr Sagheer Ahmed Abassi
Assistant A.G. Sindh.

Federation of Pakistan

Through Ms. Shazia Ahmed Hanjrah
Deputy Attorney General, for Pakistan

Date of hearing

& Decision:

06.05.2026

Date of Reasons:

11.05.2026

J U D G M E N T

NISAR AHMED BHANBHRO, J - Through this Petition, the Petitioner has claimed following relief(s):

- To hold and declare that the failure of the Respondents to issue registration certificate to the Petitioner is illegal, unlawful, unconstitutional, mala fide and non-est, consequently to direct the Respondents to issue registration certificate to the Petitioner forthwith.*

II. Pending adjudication of the instant petition, the Respondents may be directed not to take any adverse action against the Petitioner.

III. Grant Cost of this Petition and any other relief(s) which the Honorable Court may deem fit for the disposal of instant case / petition.

2. Learned counsel for Petitioner contended that petitioner was admitted to MBBS undergraduate degree program for the academic year 2010-11 at Shaheed Muhtarrama Benazir Bhutto Medical College Layari (Respondent No. 2); that Petitioner completed his degree program in year 2016. It is contended that Petitioner was refused issuance of degree certificate on the ground that his admission was illegal, as at the time of admission he did not possess required 60 % score in Intermediate a pre-condition mandatorily for admission to MBBS program, therefore, he was not entitled for MBBS degree; that Petitioner filed CPD No 4829 of 2019 (Re-Ali Muhammad Vs. Province of Sindh) and during pendency of said petition, Dow University informed that Degree was issued to Petitioner way-back in year 2017; that the petition was disposed of vide order dated 05.03.2021. It is further contended that despite of issuance of degree certificate by the institution, PMDC was reluctant to register Petitioner as Medical Practitioner, hence he maintained this petition. Learned Counsel argued that PMDC cannot refuse to entertain and register Petitioner as Medical Practitioner. He lastly prayed to allow this Petition.

3. On the other hand, learned counsel for Respondent No. 1 (PMDC) vehemently opposed petition on the ground that Petitioner's MBBS degree was invalid. It is argued that Petitioner was granted admission illegally as he did not possess the required minimum eligibility criteria at the time of admission. He contended that Petitioner must demonstrate his eligibility for admission to MBBS program, in absence whereof, the degree was invalid and registration cannot be permitted on the basis of invalid degree. He argued that when very foundation of degree rested on some extraneous and unscrupulous acts on the part of petitioner and admitting institution, then how superstructure can be built over it under legal sanctions. It is further argued that Petitioner cannot claim an unconditional right to registration, as there existed no statutory or regulatory obligation on PMDC to register

students who do not fulfill the prescribed eligibility criteria; that Petitioner has not demonstrated any mala fides or arbitrariness on the part of PMDC, and refusal to register Petitioner as Medical Practitioner was in strict compliance and adherence to the applicable laws and regulatory framework. It is contended that petition was frivolous and constituted an abuse of the process of the Court, filed merely to circumvent the statutory scheme and PMDC is under no obligation to register students admitted under illegal arrangements. He contended that Petition was bad under the law and not maintainable in terms of Order II Rule 2 of Civil Procedure Code, 1908, (CPC) as Petitioner had filed CPD No 4829 of 2019 with similar prayer but the said relief was not granted to him. He relied upon the judgment of Honorable Supreme Court in the case of **Province of Punjab through Secretary, Population Welfare Department, Lahore and others Vs. Shehzad Anjum and others** reported as **2024 SCMR 766**. He prayed for dismissal of Petition.

4. Learned Counsel for Respondent No 2 contended that Petitioner's admission in the MBBS program was illegal as at the time of getting admission he fell short of the mandatory qualification of securing at least 60% marks in the intermediate, therefore, the degree certificate of the Petitioner was nothing but a piece of paper. He contended that Petitioner cannot claim the fruits of an illegal act, thus prayed for dismissal of petition.

5. Learned Additional Advocate General, Sindh and Learned Deputy Attorney General for Pakistan supported the stance of PMDC and Medical College and argued that it was failure of Medical College to take timely action against Petitioner, however, since Petitioner was in knowledge that he sought admissions through unfair means therefore cannot insist to register him as General Practitioner. They prayed for dismissal of petition.

6. Heard arguments and perusal the material made available before us on record.

7. The crux of controversy involved in the present lis is that petitioner claims that he is duly qualified MBBS degree holder, thus PMDC was under an obligation to register him as General Practitioner by granting a full license to practice as Doctor in the field of Medicine and Surgery. PMDC controverts

this assertion on the ground that Petitioner was admitted to MBBS program illegally as he fell short of required minimum qualification at the time of admission, therefore, PMDC was not under an obligation to accord registration to petitioner.

8. Scanning of the material on record transpired that Petitioner was admitted in MBBS Course by Layari Medical College in its academic session 2010-11. The pre - requisite condition for admissions in MBBS course in any Medical Institutions for that particular year was a minimum threshold of 60 % marks in intermediate. However, petitioner did not fulfill the said eligibility criteria but was admitted in college. When such information was conveyed to the admitting university (Dow University of Health Sciences, Karachi), the college was informed that admission of Petitioner was in violation of law and rules, therefore, he cannot be enrolled with University. To the utter surprise, no action was taken either by University or College viz-a-viz for the cancellation of admission of Petitioner. Inaction on the part of University and College helped Petitioner to continue with his degree program that culminated in completion of degree in the year 2016. It transpired from record that Petitioner was refused award of degree by College and University, for which petitioner maintained petition No CPD 4829/2019 seeking indulgence of this Court for award of Degree and issuance of Degree Certificate. During pendency of the said Petition, University administration appeared before learned Division Bench of this Court and apprised that petitioner was conferred degree in year 2016 and Degree Certificate was issued to him in the month of November 2017. Petition was disposed of vide orders dated 05.03.2021 with directions to provide original degree certificate to Petitioner and if the same was not available in College record then petitioner was entitled for issuance of degree certificate in duplicate.

9. Petitioner was admitted to MBBS degree Program in year 2010. PMDC by that time was governed through the provisions contained under Pakistan Medical and Dental Council Ordinance 1962 (the ordinance). Under the provisions of the Ordinance, PMDC was performing almost the same functions of overseer but had no role to play in admission process. It is surprising to notice that Respondent No 2 vide its letter dated 29th April 2013 written to PMDC, applied for registration certificate of the students admitted

in academic session 2010-11 which contained the complete details of 91 students including petitioner admitted for that session. Thereafter, Layari Medical College wrote several letters dated 6th November 2013, 11th June 2014, 16th July 2014, 18th November 2014, 24th July 2015, 24th November 2015, 6th January 2016, 29th October 2016, 30th October 2016 and 7th November 2016 (available at page 89 to 103 of the petition) for registration of students but no response was tendered by PMDC. Finally PMDC responded college for registration of students on 5th May 2017 requiring the attestation of F.Sc degree of the Petitioner and one other student namely Muhammad Haris.

10. It further transpired from record that PMDC through letter dated 2nd October 2018 raised objection on the registration of Muhammad Haris on the ground that he was granted admission in violation of admission policy which required a minimum 60 percentage marks in the intermediate, which said Muhammad Haris lacked at the time of admission. No, evidence is available on record to say that PMDC ever raised any objection on the admission of Petitioner and even the objections on admission of Muhammad Haris were raised at the time when he had completed the degree course. This speaks about the failure of PMDC to perform its functions as "Overseer" in its letter and spirit.

11. Since PMDC was out-crying for lack of powers to monitor admission process and degree program of medical and dental education, the parliament accepted this grievance wholeheartedly and through enactment of Pakistan Medical & Dental Council, Act, 2022 (PMDC Act) repealed the Ordinance. Under the provisions of PMDC Act, a complete overhaul and restructuring of PMDC has been done. PMDC Act by conferred powers upon PMDC under section 8 to oversee and monitor admission process and other matters related to medical education throughout Country. Section 18 of the PMDC Act, envisaged that the Authority shall conduct annually on a date approved by the PMDC and as per standards approved by the PMDC Board a single admissions test which shall be a mandatory requirement for all students seeking admission to medical or dental under-graduate programs anywhere in Pakistan. Section 18 further emphasized that, "*No student shall be awarded a medical or dental degree in Pakistan who has not passed the MDCAT prior to obtaining admission in a medical or dental college in Pakistan.*" The proviso to sub section 2 of section 18 further emphasized that such requirement shall be

mandatory for all students who have been enrolled in medical or dental under-graduate programs in the year 2021 and thereafter.

12. Since Petitioner was admitted to MBBS program when the Ordinance was in field, therefore, degree recognition and registration in his case as Medical Practitioner, shall be dealt with under the provisions of the Ordinance. Under the Ordinance, PMDC was bestowed with powers to recognize institutions fit for award of degree programs. Section 11 of the Ordinance being relevant provision of law is reproduced below for the sake of convenience:

11. Recognition of medical institutions and qualifications.- (1) *The Federal Government may grant recognition to any medical institution in Pakistan which trains or grants or both trains and grants medical qualifications and the qualifications granted by them. All such recognized medical institutions or qualifications shall be included in the First Schedule by the Federal Government by notification in the official Gazette.*

(2) *If any medical institution in Pakistan intends to get recognition of the institution which trains or grants or both trains and grants medical qualifications or qualification granted by it in pursuance of sub-section (1) it shall apply to the Federal Government for the same.*

(3) *The Federal Government shall transmit the application to the Council after being satisfied that application is complete and is in accordance with the prescribed procedure. The Council shall form recommendations for the Federal Government after assessing the institution and the qualification as prescribed procedure. Upon receiving recommendations from the Council, the Federal Government shall grant recognition as provided under sub-section (1).*

(4) *The notification for the grant of recognition may also direct that an entry shall be made in the last column of the First Schedule against such institution and medical qualification granted by it, declaring that it shall be a recognized medical institution or qualification only when granted after the date of notification .*

13. PMDC under the provisions of the Ordinance, was further empowered to registered the Medical Practitioners. Section 23 being relevant provision of law reads as under:

23. Maintenance of register of medical practitioners.- (1) *The Council shall maintain a Register of medical practitioners possessing qualifications which are recognized medical or additional medical qualifications for the purposes of this Ordinance and may prescribe the necessary particulars to be entered in the Register. Holders of a recognized basic degree shall be registered on provisional basis for internship or foundation or house job of a minimum of one year duly assessed, hands on clinical rotation in an approved hospital or institution included in the Sixth Schedule which shall be mandatory for conversion of provisional registration into full registration.*

(2) *The practitioner shall be deemed to hold a valid registration and entitled to be known and eligible for privileges of a registered medical practitioner if his name is retained on the Register after fulfillment of requirements of continuation of registration as laid down by the Council from time to time and provided he had paid the dues of the Council. The valid registration certificate shall be the licence to practice medicine in Pakistan.*

14. From the perusal of above provisions of law, it is crystal clear that PMDC was required to maintain a Register of medical practitioners possessing qualifications which are recognized medical or additional medical qualifications for the purposes of the Ordinance and may prescribe the necessary particulars to be entered in the Register. Further that holders of a recognized basic degree shall be registered on provisional basis for internship or foundation or house job of a minimum of one year duly assessed, hands on clinical rotation in an approved hospital or institution included in the Sixth Schedule which shall be mandatory for conversion of provisional registration into full registration. The practitioner shall be deemed to hold a valid registration and entitled to be known and eligible for privileges of a registered medical practitioner if his name is retained on the Register after fulfillment of requirements of continuation of registration as

laid down by the Council from time to time and provided he had paid the dues of the Council. The valid registration certificate shall be the licence to practice medicine in Pakistan. In the case of Petitioner he was holder of basic degree (MBBS degree) from a recognized medical institution and had completed one year house job from the recognized hospital, therefore, PMDC was under an obligation to issue him a license to practice as Doctor.

15. Learned Counsel for the Respondent No 2 on a query by Court frankly conceded that MBBS Degree awarded to the Petitioner has not been canceled by the University, nor such proposal was under consideration. When confronted to above legal position, that under what provisions of law (Ordinance), PMDC was competent to withhold the registration of Petitioner, once the concerned institution had awarded degree to him. Learned Counsel for PMDC twisted his arguments to the maintainability of instant petition and contended that Petition was not maintainable on two accounts. Firstly that the refusal to register Petitioner as Medical Practitioner fell under the policy domain of PMDC and cannot be interfered with by this Court under its writ jurisdiction and Secondly Petitioner had sought similar relief in earlier petition which was not granted, therefore, fresh petition for the same relief was barred under Order II of Rule 2 CPC, in this regard he placed reliance upon the case of **Shehzad Anjum (Supra)**.

16. As to the first point raised by Learned Counsel, as to the maintainability of instant petition being a policy matter. By now, it is settled law in various jurisdictions that Courts should generally refrain from interfering in policy decisions taken by statutory bodies and authorities tasked with running the affairs of educational institutions and students, like PMDC in the present case. The rationale for the same is that matters of an academic nature necessitate the need for technical and professional expertise which may only be attained as a result of specialization and the experience of working with and in educational institutions. Courts are neither equipped with such expertise, nor do they possess the relevant experience that would allow for interference in such matters. However, it does not mean that the Courts would not step in at the request of the parties to ensure and ascertain whether or not minimum requirements of natural justice and principles of law have been complied with and whether failure to exercise jurisdiction would result in grave injustice. The Court will unhesitatingly interfere in the

cases where a principle of law has to be interpreted, applied or enforced with reference to or connected with education. In the case of Petitioner intended actions on the part of PMDC of refusing to register him as Medical Practitioner had no statutory backing as on receipt of basic degree from recognized institution, a right had accrued in his favor for grant of license to practice as Doctor unless the Degree was withdrawn or canceled by the concerned institution. Petitioner agitated his right to registration as general practitioner as doctor in the field of Medicine and Surgery and such right had Constitutional backing under article 18, any adverse action would militate the fundamental rights of Petitioner guaranteed under articles 4, 9, 14, 25 and 25 - A of the Constitution. Since the fundamental rights of petitioner were involved in the case and actions by PMDC had no statutory backing, resulting into miscarriage of justice, therefore, this petition is held maintainable. Guidance in this regard can be sought from the judgments of Honorable Supreme Court in the case of **Muhammad Ilyas v. Bahauddin Zakariya University (2005 SCMR 961)** and **Noor Muhammad Khan Marwat v. Vice-Chancellor (PLD 2001 SC 219)**.

17. The second point about maintainability of petition was a legal question that the petition was not maintainable in terms of the provisions of Rule 2 of Order II CPC. Per Learned Counsel the claim agitated in the instant petition was relinquished by Petitioner in earlier Petition, therefore, he was precluded from bringing fresh petition. From the perusal of prayer clause III of the CPD No 4829/2019 (available at page 13-C), it is vividly clear that Petitioner had sought indulgence of this Court to direct PMDC (Respondent No 2 in the said petition) to immediately entertain the application and issue certificate of registration in his favor. The Petition was disposed of vide orders dated 05.03.2021, it would be conducive to reproduce disposal order for the ease of reference:

“1. Basically, the case of the Petitioner is that he has completed his MBBS from Respondent No.3 institution and also completed one year house job. He has sought directions against respondent No. 4 to immediately issue MBBS degree to him.

2. On the last date of hearing we issued notice to the Registrar of Respondent No.3. Today, Dr Umm-e-Habiba Rehman, Director Students Section, Shaheed Muhtarrama

Benazir Bhutto Medical College (Respondent No.3) is present alongwith their counsel Mr. Muhammad Nasir, Advocate. She submits that the petitioner has already received his degree from respondent No. 4, whereas the learned Counsel for respondent No. 4 submits that the original degree of the petitioner was delivered to respondent No. 3, but the petitioner present in court submits that no such degree was ever received by him.

3. In order to resolve this controversy, learned counsel for the respondent No.3 and 4 submit that if in their record the original degree is found available and not received by the Petitioner then they will issue the degree to the petitioner and in case it was already delivered to the Petitioner then on an application duplicate degree will be issued to the petitioner. The Learned Counsel for the petitioner and petitioner present in court are satisfied. The petition is disposed of accordingly."

18. From the perusal of above order, it is evident that the issue of registration with PMDC though part of the pleadings was not discussed at the time of decision. In order to examine whether the petitioner can seek this relief against PMDC again in terms of the restriction contained in Order II, Rule 2 of the CPC, 1908, which stipulates that:

'2. Suit to include the whole claim.---(1) Every suit shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action; but a plaintiff may relinquish any portion of his claim in order to bring the suit within the jurisdiction of any Court.

(2) Relinquishment of part of claim - Where a plaintiff omits to sue in respect of, or intentionally relinquishes, any portion of his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

(3) Omission to sue for one of several reliefs - A person entitled to more than one relief in respect of the same cause of action may sue for all or any of such reliefs; but if he omits except with the leave of the Court, to sue for all

such reliefs, he shall not afterwards sue for any relief so omitted.

***Explanation:** For the purposes of this rule an obligation and a collateral security for its performance and successive claims arising under the same obligation shall be deemed respectively to constitute but one cause of action.'*

19. The object of both Rules 1 and 2 of Order II of the CPC in suits (as an analogy in writ petitions) is to prevent the multiplicity of litigation. The Order II Rule 2 is based on the principle that a person should not be vexed twice for the same cause; and is directed against two evils i.e., the splitting up of claims and the splitting up of remedies. Order II Rule 2 stipulates the inclusion of the whole claim arising in respect of the same cause of action, in one Petition. However, this must not be misunderstood to mean that every Petition shall include every claim or every cause of action that the Petitioner/Plaintiff may have against the accused (Respondent/defendant). Therefore, where the causes of action are different in the two suits/Petitions, Order II Rule 2 would have no application. The words "the cause of action" used in Order II Rule 1 must be read to mean "the particular cause of action". This infers that where there are different causes of action, Order II Rule 2 will not apply; and where the causes of action are the same, the bar imposed by Order II Rule 2 may apply.

20. A conjoint reading of Rule (2) and (3) of Order II of the CPC, contemplates two different situations, firstly, where a plaintiff/Petitioner omits or relinquishes a part of a claim which he is entitled to make and, secondly, where the plaintiff/Petitioner omits or relinquishes one out of the several reliefs that he could have claimed in the suit/petition. It is only in the latter situation that the plaintiff/Petitioner can file a subsequent suit/petition seeking the relief omitted in the earlier suit/petition, provided that at the time of omission to claim the particular relief, he had obtained the leave of the Court in the first suit/petition. Similarly, several tests have been laid out to determine the applicability of Order II Rule 2 to a suit/petition. A correct and reliable test is to determine whether the claim in the new suit/petition is in fact founded upon a cause of action distinct from that which was the foundation of the former suit/petition. Additionally, if the evidence required to support the claims is different, then the causes of action can also be

considered to be different. Furthermore, it is necessary for the causes of action in the two suits/petitions to be identical in substance and not merely technically identical.

21. The litigating party that takes shelter under the bar imposed by Order II Rule 2 CPC must establish that (a) the second suit/petition was in respect of the same cause of action as that on which the previous suit/petition was based; (b) in respect of that cause of action, the plaintiff/petitioner was entitled to more than one relief; and (c) being thus entitled to more than one relief, the plaintiff/petitioner, without any leave obtained from the Court, omitted to sue for the relief for which the second suit/petition had been filed. Since the plea is a technical bar, it has to be established satisfactorily and cannot be presumed merely on the basis of inferential reasoning.

22. Applying the principles discussed herein above on the matter at hand, it is matter of record that Petitioner in the first petition had sought a relief for issuance of degree and directions to PMDC to entertain Petitioner's application for registration to practice as Medical Practitioner. The Petition was disposed of when it was brought to the notice of the Court that degree was issued in favor of Petitioner. The relief for registration was consequential in nature and dependant upon the award of degree by the institution, therefore, the petitioner did not stress for court's deliberations on the issue. Even the representative of PMDC present in the Court on the fateful date did not object that after issuance of degree, petitioner's request for registration will not be entertained. On conferment of degree petitioner again approached PMDC for registration but his request was not entertained. Even as of today, PMDC has not produced on record any decision rejecting the request of petitioner. In both the cases i.e rejection of request or failure to decide the application after award of degree, a fresh and distinct cause of action to sue PMDC was available to the Petitioner. Though in the earlier proceedings, Petitioner could have raised the claim for registration but on award of the degree Petitioner became entitled for registration as Medical Practitioner. The "**entitlement to**" along with the "**availability of**" the relief were a requisite in determining the applicability of Order II Rule 2 CPC. The true import of the bar under Order II Rule 2 CPC must be that it operates to preclude a plaintiff/petitioner from instituting a second suit/petition, on the "same cause of action", for a claim, any portion of a claim, or reliefs, which

the plaintiff/petitioner was entitled to avail at the time of filing of the first suit/petition. There may arise a situation where the plaintiff/petitioner may be entitled to a relief but such a relief was not available at a certain point in time. In other words, that obtaining such a relief was impossible due to the circumstances which existed during the institution of the first suit/petition. It is our opinion that, in such scenarios, Courts must give such an interpretation to the principles under Order II Rule 2 CPC that is not bogged down by mere technicalities.

23. In the case of Shehzad Anum (Supra) relied upon by learned counsel for respondent No.2, it was the case of the Petitioners that the respondent employees who were Male Mobilizers on contract basis filed petition for regularization from date of appointment but relief was not granted to them in W.P. No.13784/2010 and they filed the subsequent petition (W.P. No.292/2017). The relief of regularization was available to the respondents but had not been granted to them. It was held that the Petition was not maintainable in terms of provisions of Order II Rule 2 C.P.C. For understanding excerpts from the Shehzad Anjum case are reproduced below:

5. *The respondents had sought their regularization from the date of their appointment in W.P. No.13784/2010, which was disposed of by the High Court through judgment dated 26 September 2013 directing that the respondents be regularized in terms of the said judgment. If the respondents were not satisfied with the said judgment they should have appealed the same or if the same was not implemented they should have sought its implementation, which could have been by invoking the contempt jurisdiction of the High Court. In any event on the same cause of action, and one which had been decided pursuant to the judgment dated 26 September 2013, another writ petition (W.P. No.292/2017) was not maintainable, and as no fresh cause of action had accrued to the respondents. This critical aspect of the case was overlooked by the learned single Judge who passed the order dated 4 December 2017 in W.P. No.292/2017.*

6. *Though this is not the respondents' case, if for the sake of argument it is assumed that in W.P. No.13784/2010 the respondents had only sought their regularization, and after they were regularized they wanted the regularization to take effect from the date of their initial appointment on contract basis, they could not seek this relief subsequently (in W.P. No.292/2017) because of the restriction in Order II, Rule 2 of the Civil Procedure Code, 1908, which stipulates that:*

'2. Suit to include the whole claim.---(1) Every suit shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action; but a plaintiff may relinquish any portion of his claim in order to bring the suit within the jurisdiction of any Court.

(2) Relinquishment of part of claim - Where a plaintiff omits to sue in respect of, or intentionally relinquishes, any portion of his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

(3) Omission to sue for one of several reliefs - A person entitled to more than one relief in respect of the same cause of action may sue for all or any of such reliefs; but if he omits except with the leave of the Court, to sue for all such reliefs, he shall not afterwards sue for any relief so omitted.

Explanation: For the purposes of this rule an obligation and a collateral security for its performance and successive claims arising under the same obligation shall be deemed respectively to constitute but one cause of action.'

7. *As regards whether the ICA was maintainable, in our opinion it was maintainable and the principles enunciated in the cited case of Province of Punjab v. Murree Brewery Company Limited were applicable. However, we do not consider that it would be appropriate to remand the case for decision of the ICA filed before the Lahore High Court because the second writ petition (W.P. No.292/2017) as noted above was not maintainable (see, Dr.*

Mohammad Aslam Khaki v Khawaja Khalid Farooq Khan 2023 SCMR 1208).

8. *Therefore, for the aforesaid reasons the judgments of the High Court in I.C.A .No.128925/2018 and in W.P. No.292/2017 are set aside by converting this petition into an appeal and allowing it and by dismissing W.P. No. 292/2017 filed by the respondents.*

24. In Shehzad Anum case, Petitioners relinquished a claim which was available to them at the time of filing first petition. As elaborated herein above, Petitioner in the instant petition has a distinct cause of action from earlier petition. On conferment of degree, Petitioner had a recurring cause of action against PMDC to sue for registration. Failure of the PMDC to register petitioner after award of degree thus was a distinct and recurring cause of action, therefore, conclusively, it is held that the bar contained under Order II Rule 2 C.P.C. was not applicable to the case at hand.

25. In the wake of above discussion, a case to exercise powers of judicial review in favor of the Petitioner is made out. Consequently, the captioned petition is allowed. PMDC is directed to register the Petitioner as Registered Medical practitioner in the field of Medicine and Surgery and grant Petitioner full license to practice as General Practitioner within a period of two months from the date of this order.

26. These are the reasons for short order dated 06.05.2026, through which this petition was allowed.

27. Office to send copy of the detailed order to Respondents for compliance. Office is directed to keep signed copy of the order in connected petition.

J U D G E

J U D G E

HEAD OF CONST: BENCHES

Approved for reporting