



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. PF. 14-Misc-28/2018

Dr. Sajjad Ahmad

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| Mr. Ali Raza | Chairman |
| Dr. Anis-ur- Rehman | Member |
| Dr. Asif Loya | Member |

Present:

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| Dr. Sajjad Ahmad (6000-N) | Respondent |
| Hearing dated | 10-12-2021 |

I. FACTUAL BACKGROUND

1. Brief facts of the case are that Dr. Sajjad Ahmed s/o Haji Waheed Ullah (hereinafter referred to as the "Respondent") applied for provisional license by submitting his M.D degree from the Minsk Medical Institute USSR and license was issued to him on 14.07.1992, under Registration No. 6000-N. He was granted permanent registration by the erstwhile PM&DC on 29.08.1994.
2. Subsequently, on 14.11.2005 Dr. Sajjad submitted an application to the PM&DC for recognition of his post graduate degree No. MCN000448, year 2003, issued by Kyrgyz State Medical Academy, Kyrgyzstan. The erstwhile PM&DC vide letter No. P-F-1-G-2007 (6000-N)/317, dated 20.05.2008 sent the said degree for verification to the first Secretary Embassy of Pakistan Bishkek, Kyrgyzstan. The Embassy of Pakistan, Bishkek vide letter dated 19.09.2008 forwarded response of Kyrgyz State Medical Academy, Kyrgyz Republic. Letter No. 1151 dated 05.09.2008 issued by Kyrgyz State Medical Academy stated that "Sajjad Ahmed has not studied in our academy from 2001-2003".

II. SHOW CAUSE NOTICE

3. In view of the above- mentioned facts, a show cause notice dated 02.06.2009 was issued by the Assistant Registrar PM&DC to Dr. Sajjad Ahmad in the following terms:

“I am directed to refer to letter of Chancery Embassy of Pakistan, Bishkek Kyrgyzstan under which he has forwarded the verification of your postgraduate degree “Specialization in Surgery from Kyrgyz Republic” and informed this office that you have submitted forged postgraduate degree “Specialization in Surgery from Kyrgyz Republic” in PMDC and you were not a graduate of that institution/university. You are directed to explain your position on judicial stamp paper to the circumstances by which this act was done.

You are also directed to respond within (07) days after receipt of this show cause notice positively, failing which a strict action under law, shall be taken against you”.

4. Since no response was received from Dr. Sajjad, therefore Registrar PM&DC suspended his registration vide order dated 14.04.2010.

Registration of FIR

5. FIR No. 24/2010 dated 25.06.2010 was lodged against Dr. Sajjad Ahmad under sections 420/468/471 & 109 PPC, on complaint of DG Ministry of Foreign Affairs.
6. Dr. Sajjad Ahmad faced trial before the Magistrate Class I, Rawalpindi and was acquitted of charges on 04.02.2014.

Application dated 09.02.2017 by Respondent Dr. Sajjad to Registrar PM&DC

7. Subsequently, Respondent filed an application to the Registrar PM&DC on 09.02.2017, wherein he submitted that FIR No. 24/2010 dated 25.06.2010 under section 420/468/471&109 was registered against him. He further submitted that he has been acquitted in the said FIR. He requested that his registration/license to practice be restored.

Directions of the Disciplinary Committee regarding Fake document Cases

8. The Disciplinary Committee of the erstwhile PM&DC in its meeting held on 28.09.2014 recommended regarding fake degree/documents cases are as under:-



“All the fake case shall be heard by the Registrar, PM&DC to avoid delay in further proceedings. However the procedure for the disposal of the fake cases shall be as follow:

- a. *Fake case.*
 - i. *Case shall be referred to the police as the basis of a candidate to be eligible for medical qualification was violated.*
 - ii. *Tempering in F.Sc marks. After getting satisfied that the tempering does not effect the status or violation of the council rules of having minimum of 60% marks the registration license of the respondent doctor shall be suspended for a reasonable time.*
- b. *Fake Experience :*
 - i. *To safeguard the future of the RMP/RDP he may be issued warning.*
- c. *Fake Additional Qualification:*
 - i. *“in case of respondent doctor working in public institution a letter be issued to the institution and Health department to remove the doctor from the post for not having required qualification”.*
 - ii. *“ in case of private practice a letter be issued to EDO Health concerned to ensure that he is not practicing as specialist or using titles which are not registered with the council”*

9. The above-mentioned recommendation of Disciplinary Committee in its meeting held on 18.06.2015 and a Notification dated 21.02.2018 was issued whereby Registrar PM&DC was authorized to conduct hearing fake document/registration cases.

III. HEARING BEFORE THE REGISTRAR PM&DC DATED 07.05.2018

10. In light of the directions of the Disciplinary Committee, case of Respondent was fixed for personal hearing before the Registrar PM&DC and Respondent was directed to appear on 07.05.2018. Registrar PM&DC after hearing the said doctor, decided the matter as under:-

“PG qualification is rejected based on the verification and personal hearing that he could not satisfy the hearing officer. A letter should be written to the DHQ Hospital, Mardan and Health Department to remove the doctor from the post, if the eligibility of the post is based on the PG qualification. All Health Commissions, Health Secretaries and EDO's be informed about the decision and the case will be referred to Disciplinary Committee”.

IV. PROCEEDING BEFORE THE HONORABLE ISLAMABAD HIGH COURT DATED 23.09.2021

11. The Respondent filed a Writ Petition No. 992/2019 titled Dr. Sajjad Vs. PM&DC before Islamabad High Court on the ground that he is a registered Medical Practitioner under Registration No. 6000-N. He prayed that PMC may be directed to restore/renew his registration certificate for basic qualification.

12. The said writ petition was fixed for 23.09.2021 before Honorable Islamabad High Court. The Honorable Islamabad High Court on the said date directed as under:

“Learned counsel for the respondents states that the grievances of the petitioner would possibly be resolved as there are developments underway within Pakistan Medical Commission which might lead to a resolution of his grievances.

Let the office to fix this matter on 09.11.2021. In the event that the grievances are unresolved by such date this Court will hear the matter on its merits.”

V. PROCEEDINGS OF DISCIPLINARY COMMITTEE UNDER PAKISTAN MEDICAL COMMISSION ACT 2020

13. Pakistan Medical & Dental Council was dissolved on promulgation of Pakistan Medical Commission Act on 23rd September 2020 which repealed Pakistan Medical and Dental Council Ordinance, 1962. Section 32 of the Pakistan Medical Commission Act, 2020 empowers the Disciplinary Committee consisting of Council Members to initiate disciplinary proceedings on the complaint of any person or on its own motion or on information received against any full license holder in case of professional negligence or misconduct. The Disciplinary Committee shall hear and decide each such complaint and impose the penalties commensurate with each category of offence.

14. Pursuant to the above-mentioned hearing before the honorable Court in view of the fact that the license was suspended on 14.04.2010 without affording opportunity of hearing to Dr. Sajjad, the license of Dr. Sajjad was renewed “subject to clearance by the Disciplinary Committee of the Pakistan Medical Commission”. Since the Show Cause Notice was partially heard by the then Registrar PM&DC and consequently while in 2018 the recognition of the PG qualification was declined however, the remaining issue of submission of a fake document and a false application by Dr. Sajjad Ahmad had not been determined. Therefore, it was necessary to conclude the matter, jurisdiction of which vests in the Disciplinary Committee.

Hearing

15. After completion of codal formalities, the matter was fixed for hearing before the Disciplinary Committee on 10.12.2021. Notice dated 29.11.2021 was issued to Respondent Dr. Sajjad Ahmad directing him to appear before the Disciplinary Committee for hearing on 10.12.2021.

16. Dr. Sajjad Ahmad appeared before the Disciplinary Committee on the date of hearing.
17. The Disciplinary Committee enquired from Respondent Dr. Sajjad as to how he obtained his postgraduate degree. He replied that he saw an advertisement regarding a seminar being conducted by a Kyrgyzstani Delegation at Pearl Continental, Rawalpindi pertaining to online specialization courses in Kyrgyzstan. He attended the said seminar where he met a person claiming to be Dr. Asif who informed him that as per Kyrgyzstan education system he could obtain an online specialization on the bases of his work experience gained in Pakistan. The total fee was agreed to be \$2000. He paid \$1000 in advance. Since he had work experience in surgery therefore, he handed over to Dr. Asif the details of his work experience i.e. the total number of cases assisted by him during his service and total number of cases handled by him independently. He admitted that he never appeared in any examination nor underwent any training regarding the said specialization (post graduation). He further admitted that he did not go to Kyrgyzstan for the purpose of studying of the said postgraduate degree. His statement was more or less the same as he made before the trial court prosecuting the matter of forgery against him.
18. The Committee referred to the application dated 14.11.2005 submitted by him for recognition of additional (postgraduate) qualification and confronted him with the detail he had mentioned there in his handwriting as to the award of qualification after proper evaluation and examination. The precise question asked in the application was “whether the qualification conferred/ awarded after proper evaluation/examination?” his reply to the said question was “YES” in the application submitted by him. Further on the application form he had given information regarding system of examination in his handwriting as “*after two years, practical and theoretical (oral) exam given + practical.*” In short, statements made by him in his application were directly contradictory to his evidence that he never went to Kyrgyzstan or trained there or took any exam.
19. The Committee enquired from Respondent Dr Sajjad that why he wrote on the application form that he underwent two years training abroad when he as per his own statement never visited Kyrgyzstan in the first place to study any postgraduate program or to take any exam. Dr. Sajjad admitted that he made a false statement on the application form dated 14.11.2005.

20. While responding to question put by the Disciplinary Committee regarding his current job/service, he stated that currently he is working as Deputy Medical Superintendent at District Headquarter Hospital, Mardan. He further stated before the Committee that he carried out his job based on his basic medical degree, however, he confirmed that he had been performing surgeries as well.
21. He requested the Committee that now he is working as an administrative officer at the hospital and he will retire in April 2022 and he submitted application dated 14.11.2005 by mistake which may be ignored.

VI. FINDINGS AND CONCLUSION

22. Perusal of record reveals that on 14.11.2005, Dr. Sajjad submitted an application to the PM&DC for recognition of his postgraduate degree No. MCN000448 year 2003 issued by Kyrgyz State Medical Academy, Kyrgyzstan. The erstwhile PM&DC vide letter No. P-F-1-G-2007 (6000-N)/317, dated 20.05.2008 sent the said degree for verification to the first Secretary Embassy of Pakistan, Bishkek, Kyrgyzstan. The Embassy of Pakistan, Bishkek vide letter dated 19.09.2008 forwarded response of Kyrgyz State Medical Academy, Kyrgyz Republic. As per letter No. 1151 dated 05.09.2008 issued by Kyrgyz State Medical Academy, Respondent Dr. Sajjad had never studied at the said academy.
23. The Respondent Dr. Sajjad Ahmad has admitted, what is otherwise borne out by the documentary evidence in the matter, that he submitted the application dated 25.11.2005 for registration of post graduate degree containing patently false representations in the application stating that he had trained in Kyrgyzstan whereas he admittedly neither went to Kyrgyzstan nor gave any examination to obtain the postgraduate qualification in question. He claims that he did not know the degree provided to him by one Dr. Asif was fake. However, if that was the case then there would be no reason for him to make false representations as to physical training and examinations in his application. The only reason he would make such false representations is because he was aware that a specialist clinical post graduate qualification cannot be obtained online without actual clinical training and hence the degree he was being provided was in his knowledge from the outset to be not a genuine post graduate qualification capable of recognition

in Pakistan. While Dr. Sajjad Ahmad may not have created the forged degree, he did admittedly present it along with his application to PM&DC for recognition and consequent to which he would obtain the benefit of a post graduate qualification. His intention to use illegal means to obtain an illegal benefit is established without a doubt from the evidence on the record and his own statements before the Committee.

24. Therefore, Dr. Sajjad Ahmad knowingly obtained a degree which to his knowledge was not a genuine postgraduate qualification, presented the admittedly fake degree to PM&DC for recognition and submitted an application to PM&DC for such recognition containing patently and admittedly false statements with the sole intent of getting the degree recognized.

25. The Disciplinary Committee has also perused the order of Magistrate Class I, Rawalpindi dated 04.02.2014 whereby the Respondent Dr. Sajjad Ahmad was acquitted of charge of 420/468/471 & 109 Pakistan Penal Code. It is important to note here that trial before the Magistrate Class I was conducted on the basis of challan submitted by the Federal Investigation Agency pursuant to an FIR No. 24/2010 which was lodged on complaint of the Director General Ministry of Foreign Affairs. Furthermore, the said trial was limited to the offence of creating a forged document and committing fraud. A perusal of the record of the Order dated 04.02.2014 of the learned Magistrate 1st Class, Rawalpindi shows that the Ministry of Foreign Affairs who lodged the FIR did not bother to appear in the trial to give evidence. Surprisingly and unfortunately four witnesses from the erstwhile PM&DC appeared at the trial including the then Registrar Dr. Ahmed Nadeem. The other witnesses included Azhar Kamal, Jameel Bashir and Dr. Maqsood Ul Hassan. The Order of the Magistrate records that these witnesses in effect supported the version of Dr. Sajjad Ahmad. Two key aspects from the proceedings and the Order of the learned Magistrate which raise immense concern are that none of the witnesses of the then PM&DC presented before the Magistrate the original letter as received from the Pakistan Embassy along with the certification of the relevant University confirming that Dr. Sajjad Ahmad had at no time studied at the said university and nor did they present to the court the application submitted by Dr. Sajjad Ahmad pointing out the patently false statements contained therein which would have immediately contradicted his evidence recorded before the learned Magistrate. Had the above been done it is apparent that the learned Magistrate would have come to a very different conclusion, as has this Committee after considering all the relevant evidence available on the

record and which was also available in 2014 at the time of the trial. It appears prima facie that the officers of PM&DC and at the least the persons who appeared as witnesses at this trial presented their evidence in connivance with Dr. Sajjad Ahmad with the intent to obtain a favorable decision for him. The same decision that he made the basis of his plea before the Hon'ble Islamabad High Court seeking the reinstatement of his license.

26. Be that as it may, the case before the Disciplinary Committee is to the extent of presentation of false/forged documents combined with false statements and representations in the accompanying application for recognition of such admittedly fake document as additional qualification on the license by Dr. Sajjad. Whether those documents were prepared by Dr. Sajjad himself or not is not the question to be determined by the Disciplinary Committee. The question, who prepared the forged postgraduate degree for Dr. Sajjad is immaterial to the instant proceedings. The only issue of which the Disciplinary Committee has taken cognizance is presentation of forged document by Dr. Sajjad for its recognition as postgraduate qualification. The Pakistan Medical Commission being regulator of all registered medical practitioners is fully mandated to look into such instances of unethical conduct of its licensees, take appropriate disciplinary action, and pass appropriate orders.
27. While the presentation of a false document for registration and making admittedly false representations and statements before the regulatory authority are offences which carry not only a major penalty but also are actionable in terms of a criminal offence by the Medical Tribunal, the conduct of Dr. Sajjad Ahmad representing not only criminal intent and actions to benefit himself and the absolute lack of integrity and ethics cannot be ignored. The conduct of a medical practitioner is integral to ensuring that such licensed practitioner provided safe and proper care to patients. .
28. In view of the forgoing, on the basis of available record, admission and statements made by the Respondent and for reasons stated herein above, major penalty as prescribed under Regulation 13 (a) (iii) is imposed on Dr. Sajjad Ahmad and his license to practice bearing no. 6000-N stands cancelled permanently.

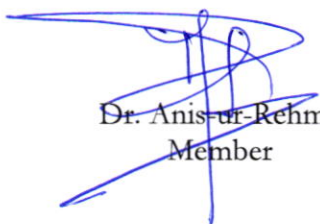
29. Further, under Section 34(3) of the Pakistan Medical Commission Act, 2020 whoever attempts to get registered with the Authority as a medical practitioner without possessing recognized medical qualification shall be guilty of an offence of fraudulent registration. Section 34 is reproduced in its relevant part:


Section 34(3) PMC Act


Whoever falsely gets registered with the Authority as a registered medical or dental practitioner without possessing recognized medical or dental qualifications or attempts to get registered with the Authority as a registered medical or dental practitioner without possessing recognized medical or dental qualifications, shall be guilty of an offence of fraudulent registration, punishable with imprisonment for a term which may extend to five years or with fine which may extend to ten million Rupees but shall not be less than five million Rupees or with both.

30. Abovementioned facts present a classic case of attempt for fraudulent registration without having requisite recognized medical qualification which is triable by the Medical Tribunal. Therefore, the case of Dr. Sajjad Ahmad is referred to Medical Tribunal for further proceedings under the Medical Tribunal Act, 2020. The Authority is directed to prosecute the matter diligently before the Medical Tribunal.

31. Before parting with this Order the Committee further directs the Authority to look into the conduct of the officers of PM&DC who appeared as witnesses at the trial before the learned Magistrate, and if any such officers are still working at PMC, disciplinary action against them be initiated in accordance with procedure and law.


Dr. Anis-ur-Rehman
Member


Dr. Asif Loya
Member


Muhammad Ali Raza
Chairman

26 January, 2022