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REGISTERED
No. C.P.2926/2021 - SCJ
SUPREME COURT OF PAKISTAN

Islamabad, dated 19.06 2021

From The Registrar,
Supreme Court of Pakistan,
Islamabad.

To The Additional Registrar,
Lahore High Court,
Bahawalpur Bench,
Bahawalpur.

Subject: CIVIL PETITION NO. 2926 OF 2021

Sumama Noor Mazhar
Versus

The Pakistan Medical Commission (Erstwhile Pakistan Medical &
Dental Council) through its President, Islamabad and others

**On appeal from the Judgment/Order of the Lahore High Court,
Bahawalpur Bench, Bahawalpur dated 01/04/2021 in W.P.-
2312/2021.**

Dear Sir,

I am directed to enclose herewith a certified copy of the Order of
this Court dated 28/05/2021 **dismissing** the above cited case in the terms
stated therein for information and further necessary action.

Please acknowledge receipt of this letter along with its enclosure
immediately.

Encl: Order:

Yours faithfully,

Self.

(MUHAMMAD MUJAHID MEHMOOD)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

✓ Copy of this letter alongwith certified copy of the Order of this Court dated
28.05.2021 is forwarded to The President Medical Commission (Erstwhile
Pakistan Medical & Dental Council), Islamabad for information and
compliance.

Encl: Order:

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23/06/2021

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ASSISTANT REGISTRAR(IMP)

Merica Legat

D-4145

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23/06/2021

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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Mushir Alam
Mr. Justice Sardar Tariq Masood
Mr. Justice Amin-ud-Din Khan

CIVIL PETITION NO.2926 OF 2021

(On appeal against the judgment dated 01-04-2021 passed by the Lahore High Court, Bahawalpur Bench, in Writ Petition No.2312/2021/BWP)

Sumama Noor Mazhar ... Petitioner

Versus

The Pakistan Medical Commission ... Respondent
(Erstwhile Pakistan Medical & Dental Council)
through its President, Ibd. and others

For the petitioner : Mr. Nadeem Iqbal, ASC
Ch. Akhtar Ali, AOR

Respondent No.1 : Malik Qamar Afzal, ASC

Respondent No.2 : Mr. Imran Muhammad Sarwar, ASC

Respondent No.3 : Mr. M. Ozair Chughtai, ASC/AOR

Date of Hearing : 27 & 28.05.2021

ORDER

MUSHIR ALAM, J.- The petitioner has challenged the judgment dated 1.4.2021, whereby she has challenged the public notice clarification dated 16.2.2021 and 25.2.2021 issued by the Pakistan Medical Commission (Erstwhile Pakistan medical & Dental Council) (PMC), it appears that the petitioner applied for the admission in MBBS program, since the admission to Medical and Dental College are regulated under "The Pakistan Medical Commission Act, 2020" (Act 2020) through a centralized and unified process. It seems that two categories of candidates applied, one for the MBBS and another for the BDS. As per learned counsel, the petitioner did not check out the discipline in which she had expressed her interest to be admitted i.e. MBBS or BDS, her application was treated and processed for the admission of

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Supreme Court of Pakistan
Islamabad

MBBS. It seems that when the petitioner fell below the merit list, she was not considered eligible for admission in MBBS. It seems that the petitioner switched off the preference to BDS within time allowed. According to the learned counsel the petitioner is entitled to the admission as some seats are lying vacant in Shahida Islam Medical and Dental College, Lodhran, Multan, which is close to her residence. However, the same was resisted by the PMC on the ground, *inter alia*, that since there is a centralized merit list, being regulated through a central mechanism by the PMC, as such the petitioner cannot be allowed to jump over the merit list to get admission in Medical College of her choice,

2. This matter was fixed yesterday when the learned counsel for respondent No.1 (PMC) was required to obtain instructions that if at all the list of the candidates who have given their first preference to BDS, is exhausted and if there be any left out vacant seat, the petitioner may be considered. Today he has filed a statement on behalf of PMC to the query, mentioning the following statistic:

<u>S.No.</u>	<u>Description</u>	<u>Number</u>
1.	Total Private Dental Colleges	42
2.	Total number of Seats	2390
3.	Total number of students on merits list of dental colleges	11742
4.	Total number of students admitted	1864
5.	Total number of vacant seats	526
6.	Remaining number of students on merit list for dental colleges.	9878

From the above, it appears that there are total 2390 seats in the 42 Dental Colleges through out Pakistan. Total number of candidates who had applied and were on merit list, were 11742, out of which 1864 have been admitted. There are 526 vacant seats against which the contesting candidates are 9878. It appears that certain litigations are pending in the Lahore High Court and subject to the decision these seats will be filled up. It is stated by the learned counsel that if at all, after exhausting all the vacant seats, if the petitioner on merit competes, she will be considered. Such offer is not acceptable to the learned counsel for the petitioner and seeks admission as one of the seats is vacant in the college of Respondent No.3.

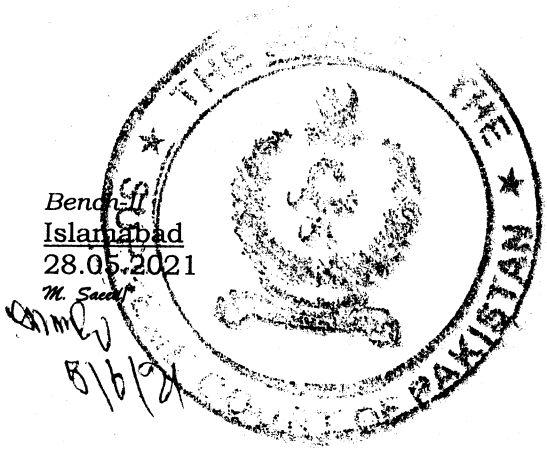
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Islamabad

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3. As noted above, the admissions are to be channelized through the PMC who will earmark the seats to the candidates in accordance with its merit. Such merit cannot be allowed to be jumped to accommodate the petitioner. In this view of the matter, we do not see any factual or legal infirmity in the impugned judgment. Consequently, this petition is dismissed and leave refused.

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Certified to be True Copy

[Signature]
Court Associate
Supreme Court of Pakistan
Islamabad