

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

JUDICIAL DEPARTMENT

20218 / Writ
20-Jun-2023

From,

The Deputy Registrar(Judicial),
Islamabad High Court,
Islamabad.

To,

2_The Registrar,
Pakistan Medical & Dental Council, G-10/4 Mauve Area, Islamabad.

4_The Chairman,
Higher Education Commission, Head Office, Sector H-9, east Service Road, Islamabad.

1_The Secretary,
Ministry of National Health Science Islamabad.

3_The Director(Student Affairs)
Allama Iqbal Open University Directorate of students Advisory & Counseling Services, Gateway Block, Grounds Floor,
Allama Iqbal Open University, Islamabad.

Subject: W.P. 4219/2017 Colleges Other (SB)

Dr. Sahibzada Syed Musood us Syed and others-VS-Govt. of Pakistan and others.

Dear Sir,

I am directed to forward for information and immediate compliance a copy of this Court's order dated **20-06-2023** passed by the Honourable Mr. Justice Miangul Hassan Aurangzeb in the above noted case.



Yours Faithfully,

Assistant Registrar (Writ)

For Deputy Registrar (Judicial)

Decided Matter



IN THE SUPREME COURT OF PAKISTAN

ORIGINAL PETITION

1998/100
2012-13

For Petitioner: Mr. [Name]
Counsel for Petitioner: Mr. [Name]

Respondent: The Government of Punjab

1. The Petitioner

2. The Respondent

3. The Petitioner

4. The Respondent

5. The Petitioner

6. The Respondent

7. The Petitioner

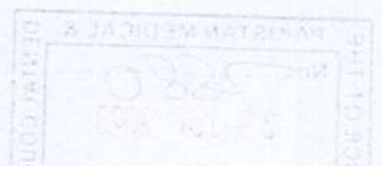
8. The Respondent

9. The Petitioner

10. The Respondent



DISPATCHER
General Issue Section
Islamabad High Court
Islamabad
WP-4289-n



(1)

BEFORE THE ISLAMABAD HIGH COURT,
ISLAMABAD

W.P No. 4218 /2017

1. Dr. Sahibzada Syed Masood us Syed son of Alhaj Mufti Syed Ifkhar Ahmad Hussain R/o Commissioner Road, Sialkot.
2. Dr. Abid Ali, Ali Hospital, Daska City, Sialkot.

...PETITIONERS

VERSUS

1. Government of Pakistan, Ministry of National Health Service through its Secretary, Islamabad.
2. Pakistan Medical & Dental Council through its Registrar 10/4, Mauve Area, Islamabad.
3. Allama Iqbal Open University through its Director (Student Affairs) Directorate of Students Advisory & Counseling Services, Gateway Block, Ground Floor, Allama Iqbal Open University.
4. Higher Education Commission Islamabad through its Chairman, Head Office, Sector H-9, East Service Road, Islamabad.

...RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973.

Respectfully Sheweth,

Succinctly the facts given rise to file the instant writ petition are;

Filed to-Day-Tim 11:00 A.M.
 D. No. 16241
 14/12/17
 Assistant Registrar (MSP)

The **Pakistan Medical and Dental Council (PMDC)**

is a statutory regulatory authority under the Ministry

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Islamabad High Court
Islamabad



Filed to-Day-Tim 11:00 A.M.
 D. No. 16110

JUDGMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P.No.4219 of 2017

Dr. Sahibzada Syed Masood us Syed and another
Versus
Government of Pakistan, Ministry of National Health Services
through its Secretary and others

Date of Hearing: 15.06.2023
Petitioner by: Raja Usman Zakir Abbasi, Advocate.
Respondent by: Ms. Kashifa Niaz Awan, Advocate for
respondent No.2 / P.M.&D.C.
Mr. Arshid Mehmood Kiani, learned Deputy
Attorney-General.

MIANGUL HASSAN AURANGZEB, J:- Through the instant writ petition the petitioners, Dr. Sahibzada Syed Masood us Syed and Dr. Abid Ali, seek a direction to the Pakistan Medical & Dental Council (“PM&DC”) to recognize their degrees of Masters of Science (Community Health and Nutrition) issued by the Allama Iqbal Open University (“AIOU”).

2. Learned counsel for the petitioners submitted that the petitioners, after obtaining MBBS degrees from the Rawalpindi Medical College, got admission in AIOU for Masters in Science (Community Health and Nutrition); that the degrees awarded to the petitioners by the AIOU were recognized by the Higher Education Commission (“HEC”); that the petitioners sought the recognition of their degrees by PM&DC; that PM&DC has declined to grant recognition to the petitioners’ said degrees on the ground that AIOU is not registered with PM&DC as a degree awarding medical college or university; that PM&DC has in the case of Syed Sajid Ali recognized a Masters degree in Public Health issued by University of Glasgow, United Kingdom; and that the petitioners have been discriminated against by not recognizing their degrees of Masters in Science (Community Health and Nutrition) issued by AIOU. Learned counsel for the petitioners prayed for the writ petition to be allowed in terms of the relief sought therein.

3. On the other hand, learned counsel for PM&DC submitted that

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institutions in terms of the law laid down by the Hon'ble Supreme Court in the judgment reported as PLD 2007 SC 323; that Section 2(h) of the Pakistan Medical and Dental Council Ordinance, 1962 ("the 1962 Ordinance") defines a medical institution as any institution within or outside Pakistan which trains for or grants, or both trains for and grants, degrees, diplomas in Medicine; that every postgraduate medical institution is bound to follow the process for recognition as prescribed by PM&DC in the Pakistan Medical and Dental Council (Postgraduate Education) Regulations, 2011 which provides that institutes whether medical / non-medical shall be recognized by PM&DC under Section 16 of the 1962 Ordinance; that Section 16(2) of the said Ordinance provides that on the recommendations of PM&DC, the Federal Government may, by notification in the official Gazette, amend the Third Schedule so as to include therein any additional medical qualification in respect of which PM&DC is satisfied that it is of sufficient standing to warrant it being included therein; that AIOU does not fall in the category of a "Pakistan University" having a constituent medical or dental college or both; that AIOU was not included in the Third Schedule to the 1962 Ordinance; that till date not a single degree awarded by AIOU has been accorded recognition by PM&DC; that the petitioners' request was considered by the Executive Committee of PM&DC in its meeting dated 28.06.2016 in which it was decided that the formalities for the grant of recognition had not been met by AIOU; that AIOU is not affiliated with any medical university and does not have a constituent medical or dental college; that the decision of PM&DC not to accord recognition to the petitioners' Masters degrees in Science (Community Health and Nutrition) does not suffer from any legal infirmity. Learned counsel for PM&DC prayed for the writ petition to be dismissed.

4. I have heard the contentions of the learned counsel for the contesting parties and have perused the record with their able assistance.

5. For the issuance of a writ of mandamus, as the one sought by

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do. It is not disputed that AIOU had not been accorded recognition by PM&DC and/or by the Federal Government in terms of Section 16 of the 1962 Ordinance as a medical or dental college. It is an admitted position that AIOU is not affiliated with any degree awarding medical or dental college or university. PM&DC can only be directed to accord recognition to degrees awarded by institutions that find mentioned in the Third Schedule to the 1962 Ordinance. Even under the statutes that have replaced the 1962 Ordinance, AIOU has not been granted recognition as a degree awarding medical or dental college / university. The petitioners have not been able to come up with any precedent of a degree awarded by AIOU to have been accorded recognition by PM&DC.

6. The request made by AIOU through its letter dated 26.11.2014 to PM&DC to recognize the petitioners' Masters' degrees in Science (Community Health and Nutrition) was responded to by PM&DC on 04.08.2016. The position taken by PM&DC was that the case had been considered by the Executive Committee in its meeting dated 28.06.2016 and it had been decided that AIOU had not been recognized in accordance with the criteria laid down by PM&DC. Furthermore, PM&DC, in its letter dated 04.08.2016, stated that AIOU was not affiliated with any medical university and was not the constituent college of any medical university.

7. The petitioners cannot expect this Court to direct PM&DC to recognize the petitioners' Masters degrees in Science (Community Health and Nutrition) awarded by AIOU when AIOU has not at any material stage been recognized as a medical or dental college / university. In this view of the matter, I do not find any merit in this petition which is accordingly dismissed with no order as to costs.

— Sd —

(MIANGUL HASSAN AURANGZEB)
JUDGE

ANNOUNCED IN AN OPEN COURT ON 20.06.2023.

— Sd —

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