

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-1634 of 2026
(Dr. Nazifa Mubashir versus Pakistan Medical & Dental Council & others)

Date	Order with signature of Judge
------	-------------------------------

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order:- 14.04.2026.

M/s. Kawish Hussain & Junaid Ahmed, advocates for Petitioner.
Ms. Wajiha Mehdi, Assistant Attorney General
Mr. Ammar Suria, Advocate for Respondent No.3.

ORDER

Adnan-ul-Karim Memon, J. Petitioner Dr. Nazifa Mubashir has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following relief(s):-

- I.** SET ASIDE the Impugned Order dated 02.03.2026 and the Impugned Minutes of Meeting dated 15.01.2026 passed by the Respondent No.2 for being unlawful, arbitrary, illegal, inequitable, and void;
- II.** SUSPEND the operation of the Impugned Order dated 02.03.2026 and the Impugned Minutes of Meeting dated 15.01.2026 until the instant Petition is heard and decided on merits;
- III.** DECLARE that the Respondent No. 1 and/or 2 cannot arbitrarily suspend, cancel, or revoke the Petitioner's medical license without proper inquiry and offering a hearing opportunity to the Petitioner;
- IV.** DIRECT the Respondent Nos. 1 and 2 to conduct any disciplinary proceedings strictly in accordance with the Pakistan Medical & Dental Council Act, 2022, the Pakistan Registration of Medical and Dental Practitioners Regulations, 2023, and the principles of natural justice, after providing the Petitioner a proper opportunity of hearing;
- V.** RESTRAIN the Respondents, their agents, officers, and subordinates from taking any coercive or adverse action against the Petitioner pursuant to the Impugned Order;

2. Learned counsel for the Petitioner submitted that the instant petition arises out of the arbitrary and mala fide Order dated 02.03.2026 (“Impugned Order”), issued by Respondent No.2, the Disciplinary Committee of the Pakistan Medical and Dental Council (PMDC), in furtherance of the Minutes of Meeting dated 15.01.2026. Through the impugned action, the Petitioner’s medical practice license was suspended without lawful authority and in blatant violation of due process. It was contended that the Petitioner is a qualified and well-reputed medical practitioner who has been practicing medicine since 2005 with an unblemished professional record. The complaint leading to the impugned proceedings was maliciously filed by Respondent No.3, South City Hospital, following the Petitioner’s termination of a License Agreement dated 01.02.2013. The hospital, in retaliation, not only issued an ex post facto termination notice based on an undisclosed patient complaint but also instituted Suit No.980 of 2025 alleging forged qualifications, which are false and currently sub judice before a competent civil Court. Learned counsel further argued that the same allegations were subsequently raised before the PMDC through a complaint dated 25.10.2024. Although the Petitioner duly submitted a comprehensive response,

the Disciplinary Committee allegedly conducted a hearing on 15.01.2026 at Pearl Continental Hotel, Karachi, without issuing any notice to the Petitioner and in her absence. Moreover, a rejoinder purportedly filed by Respondent No.3 was never supplied to the Petitioner, thereby depriving her of an effective opportunity to rebut the same. It was emphatically contended that the suspension of the Petitioner's license, without affording her an opportunity of hearing, constitutes a gross violation of the principles of natural justice, particularly the doctrine of audi alteram partem, and infringes her fundamental rights guaranteed under Articles 4, 10A, and 18 of the Constitution of the Islamic Republic of Pakistan, 1973. Learned counsel submitted that under Section 44(1) of the Pakistan Medical and Dental Council Act, 2022, removal or suspension of a practitioner's name from the register can only be ordered after a proper inquiry and a finding of guilt by the Disciplinary Committee. In the present case, no such inquiry was conducted, nor was the complaint finally adjudicated. The impugned suspension, imposed for an unspecified and indefinite period, therefore, amounts to an unlawful and premature penalty. It was also argued that the impugned proceedings suffer from procedural impropriety and apparent bias. The minutes incorrectly record the complainant, a corporate entity, as appearing "in person," without identifying any authorized representative. Additionally, the Impugned Order is a non-speaking and mechanical order, devoid of reasoning or evidentiary basis, and was communicated to the Petitioner after an unexplained delay of nearly two months, further evidencing mala fide intent. Learned counsel concluded that, in the absence of any adequate or efficacious alternate remedy, the Petitioner has rightly invoked the constitutional jurisdiction of this Court. The Impugned Order and the Minutes of Meeting are, therefore, liable to be declared illegal, without lawful authority, and of no legal effect, with a direction for restoration of the Petitioner's medical practicing license and the grant of a fair hearing in accordance with law.

3. Learned counsel for Respondent No.3 submitted that the instant petition is misconceived, premature, and not maintainable in law. At the outset, it was contended that the impugned order dated 02.03.2026, passed by the Disciplinary Committee of the Pakistan Medical and Dental Council (PMDC), is merely an interim protective measure aimed at safeguarding the general public from being misled by the Petitioner, who has allegedly misrepresented herself as a surgical expert and as a Member of the Royal College of Obstetricians and Gynaecologists (MRCOG). Counsel argued that the PMDC, being a statutory regulatory authority, is legally mandated to ensure clinical governance, maintain professional standards, and prevent anti-quackery; therefore, judicial interference at this stage is unwarranted. It was further submitted that the petition is not maintainable as the Petitioner has failed to exhaust the statutory remedy of appeal available under Regulation 28 of the Pakistan Registration of Medical and Dental Practitioners

Regulations, 2023. By bypassing the prescribed mechanism and approaching this Court directly, the Petitioner has come with unclean hands, disentitling her from any equitable relief. Learned counsel emphasized that the proceedings before the Disciplinary Committee are still pending, and the impugned suspension is temporary, operative only until the next hearing. Consequently, the petition and the accompanying application are premature and liable to be dismissed, as they seek to frustrate and render nugatory the ongoing statutory proceedings before a technically competent forum. It was also argued that the matter involves complex and disputed questions of fact relating to medical qualifications and professional conduct, which cannot appropriately be adjudicated within the constitutional jurisdiction of this Court. Such issues fall squarely within the domain of the specialized statutory body established to regulate the medical profession. Additionally, counsel submitted that the petition is not maintainable against Respondent No.3, a private entity, as no constitutional relief can ordinarily be granted against a private party. The inclusion of Respondent No.3 in the prayer clause is, therefore, legally untenable. Finally, it was contended that the petition is liable to be dismissed.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. We have noticed that in exercise of the powers conferred under Section 44 of the Pakistan Medical and Dental Council Act, 2022, the Disciplinary Committee of the PMDC considered a complaint filed by South City Hospital (Private) Limited against Petitioner Dr. Nazifa Mubashir (Registration No.38676-S). The complainant alleged that Dr. Mubashir had fraudulently misrepresented her medical qualifications, particularly claiming to be a Member of the Royal College of Obstetricians and Gynecologists (MRCOG), and had submitted forged and fabricated documents, including experience letters, PMDC-related certifications, and MRCOG credentials, to secure her association with the hospital as an independent medical consultant. Upon verification conducted in April 2024, including a review of the official membership records of the Royal College of Obstetricians and Gynecologists, the hospital asserted that Dr. Mubashir was not a registered MRCOG member, indicating alleged forgery and deception. Consequently, her License Agreement with the hospital was terminated on 24.04.2024, and the PMDC was requested to initiate disciplinary proceedings in the interest of patient safety and professional integrity. In response, Dr. Mubashir submitted a detailed reply on 30.06.2025, categorically denying all allegations as false, baseless, and malicious. She contended that the complaint was not maintainable, as it had been filed through a law firm rather than directly by the alleged aggrieved party. It was further submitted that, on the same cause of action, Suit No.1122 of 2024 (now Suit No.980 of 2025) is pending before the competent

civil Court, in which PMDC was also a party; therefore, the initiation of parallel proceedings constituted an abuse of process and amounted to double jeopardy. The petitioner doctor maintained that she was/is a qualified and duly licensed medical practitioner, registered with PMDC since 18.11.2000, and continues to lawfully practice medicine. The complainant thereafter filed a rejoinder dated 04.07.2025, reiterating its allegations and seeking strict legal action against the petitioner doctor. The matter was fixed for hearing before the Disciplinary Committee. The complainant was present at the hearing; however, the petitioner / doctor did not appear despite the Committee's assertion that advance written notice of the hearing had not been issued to her. Upon consideration of the available record, the Disciplinary Committee passed an interim order directing that the medical license / registration of Dr. Nazifa Mubashir be suspended until her appearance before the next hearing of the Committee. The Committee further ordered that, in the event of non-appearance by either party at the subsequent hearing, the complaint would be decided ex parte based on the material available on record.

6. The controversy centers upon the legality of the Impugned Order dated 02.03.2026 and the Minutes of Meeting dated 15.01.2026, whereby the Disciplinary Committee of the Pakistan Medical and Dental Council (PMDC), in purported exercise of powers under Section 44 of the Pakistan Medical and Dental Council Act, 2022, suspended the medical practicing license of the Petitioner.

7. The foremost question requiring determination is whether the impugned suspension was effected in accordance with law and the settled principles of natural justice. The record reflects that although the Disciplinary Committee asserted issuance of an advance notice of hearing, no material has been placed on record to substantiate proper service of such notice upon the Petitioner. The absence of proof of service, coupled with the non-supply of the complainant's rejoinder, clearly demonstrates that the Petitioner was denied a meaningful opportunity of hearing, thereby violating the cardinal principle of audi alteram partem.

8. It is a settled proposition of law that any administrative or quasi-judicial order entailing civil consequences, particularly one affecting a person's livelihood and professional reputation, must be preceded by due process. The suspension of a medical license undoubtedly carries serious civil and professional ramifications and, therefore, cannot be sustained in the absence of procedural fairness. The Supreme Court held that even administrative actions having civil consequences must conform to the principles of natural justice and fair play. It was emphasized that the right to be heard is an indispensable component of due process. Primarily, statutory authorities must act strictly within the confines of the law, and

decisions affecting rights must be taken lawfully and transparently. Furthermore, Article 10A of the Constitution of the Islamic Republic of Pakistan, 1973, guarantees the right to a fair trial and due process, which extends to proceedings before administrative and disciplinary bodies. Prima facie, the impugned action also impinges upon the Petitioner's fundamental right to profession under Article 18 of the Constitution, as well as the protection of individuals to be dealt with in accordance with law under Article 4 of the Constitution.

9. While this Court is mindful of the contention raised by Respondent No.3 regarding the availability of an alternate statutory remedy under Regulation 28 of the Pakistan Registration of Medical and Dental Practitioners Regulations, 2023, it is equally well-settled that the existence of such a remedy does not bar the exercise of constitutional jurisdiction where the impugned action is shown to be without lawful authority, coram non iudice, or in violation of fundamental rights. In this context, reference may be made to:

10. Primarily, the constitutional jurisdiction can be invoked notwithstanding the availability of an alternate remedy when the impugned order is patently illegal or violative of natural justice. The High Court may exercise jurisdiction where the order suffers from a jurisdictional defect or procedural impropriety.

11. The contention that the petition is premature also does not hold force. Although the impugned suspension is described as an interim measure, it nonetheless produces immediate and serious civil consequences by depriving the Petitioner of her right to practice medicine. The Supreme Court has consistently held that even interim orders are amenable to judicial review where they are passed in violation of due process or without lawful authority.

12. At the same time, this Court is cognizant of the statutory mandate of the PMDC to regulate the medical profession and safeguard public health. The allegations regarding misrepresentation of professional qualifications involve specialized and technical questions of fact, which are best adjudicated by the competent statutory forum. Therefore, rather than conclusively determining the merits of the allegations, the ends of justice would be adequately served by directing the Disciplinary Committee to decide the complaint expeditiously after affording the Petitioner a fair opportunity of hearing.

13. In view of the foregoing, this Court is of the tentative view that concludes that the Impugned Order dated 02.03.2026 cannot be sustained to the extent that it was passed without ensuring compliance with the principles of natural justice. However, instead of setting aside the disciplinary proceedings altogether, it is appropriate to remand the matter to the Disciplinary Committee for a fresh

determination in accordance with the law after providing a meaningful hearing to the petitioner and deciding the subject issue within three weeks. In case no hearing is provided to the Petitioner within three weeks, the license of the Petitioner shall be liable to be restored in accordance with the law. However the observation recorded hereinabove is tentative in nature shall not prejudice the case of the parties before statutory forum, which shall decide the case in accordance with law.

14. Petition, along with pending application(s), stands disposed of in the above terms.

JUDGE

JUDGE

Arshad/