

ORDER SHEET  
**THE HIGH COURT OF SINDH AT KARACHI**

CP.No.D-4850 of 2024  
CP.No.D-4732 of 2024  
CP.No.D-4737 of 2024  
CP.No.D-4758 of 2024

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Date: **Order with signature(s) of the Judge(s)**  
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**Before: Salahuddin Panhwar  
Amjad Ali Sahito, JJ**

1. For hearing on Misc. No. 21530 of 2024 (Stay/A).
2. For hearing of bail application.

**09<sup>th</sup> October 2024**

M/s. Shoaib Ali Khatian, Nabeel Ahmed Khan and Jahangir Shams and Nawaz Dahiri advocates for the Petitioners in CP.No.D-4850 of 2024..

M/s. Fayyazuddin Rajper advocate for the Intervener.

M/s. Jamshad Ahmed Abbasi, Zahoor Ahmed Chadhar, Mansoor Ali Jatoti advocates

Mr. Suhail Latif Memon advocate.

Mr. Amir Nawaz Warraich advocate.

Mr. Sunder Lal Lohana advocate.

Mr. Khawaja Izhar ul Hassan advocate

Mr. Hassan Akbar, Advocate General Sindh a/w Rajendar Kumar and Shahryer Mehar, AAG. Mr.

Muhammad Sohail Imran, Legal Officer, Khadim Hussain, Law Officer, Universities & Boards Department, Govt. of Sindh.

Muhammad Abbas Baloch, Secretary Universities & Boards alongwith Syed Israr Hussain, Law Officer, Universities & Boards, Govt. of Sindh.

Prof. Saeed Qureshi, Vice Chancellor, Dow University.

Prof. Fawad Shaikh, Controller Exams, Dow University.

Mr. Amjad Siraj Memon, Dean, Jinnah Medical College.

Prof. Dr. Rizwan Taj, President, PM&DC.

Dr. Nusrat Shah, Vice Chancellor, Shaheed Mohtarma Benazir Bhutto Medical University, Larkana.

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**Salahuddin Panhwar, J:- Partially *heard* learned Vice Chancellors of Dow University Health Sciences, **Jinnah** Sindh Medical University, Shaheed **Mohtarma Benazir Bhutto** Medical University Larkana, **Liaquat** University of Medical and Health Sciences as well as **counsel** for **Pakistan Medical and****

**Dental Council** (PMDC) and **Secretary Boards** and University, **Chief Secretary Sindh**, **Controller Dow** Medical University, counsel for the petitioners including petitioners. We have also gone through the results and break-up of total candidates is as under:

Break up of MDCAT

<b>Province</b>	<b>Total Candidates.</b>
Punjab	58,389
<b>Sindh</b>	<b>38,683</b>
Khyber Pakhtunkhawa	42,336
Balochistan	5,808
Islamabad	18,411
Azad Jammu and Kashmir	3,147
Gilgit Baltistan	739
International Venues (Dabai, Riyadh)	259

2. President of **PMDC** disclosed, that in Khyber Pakhtunkhawa (**KPK**) **42,336** candidates/students appeared however, only **38** students secured **190** plus marks, likewise in the province of **Punjab** **58,389** students *appeared* and out of them, **2841** students secured **190** plus marks. However, in the **province** of Sindh, **36000** plus students *appeared*, out of them, **683** students secured **190** plus marks. Besides, we have also *reviewed chart*, which *categorizes* the marks into two slabs: **180** plus and **190** plus *respectively*. It is noted that there are variations on various places, for example in **Board examinations**, some students *secured lowest* marks, whereas, in **MDCAT** test, same students secured **190** plus marks. Further it emerges that **30** plus students of one **Mazhar** Institute, Ranipur (**Khairpur**), *secured 190* plus marks, whereas in whole districts from all institutions **30** students *secured 90* plus **marks**, which is a large district in Sindh. In similar way, we have also observed many *discrepancies*.

3. **Accordingly**, with the consent of all respective parties, **Secretary Health** as well as **Chief Secretary Sindh** *suggested* that under the peculiar **circumstances** and looking into the *allegations* leveled in these petitions, a **committee** comprising of *apprised officers* may be constituted, who shall **investigate** the issue with regard to *comparing* the marks and the marks obtained in other **provinces** besides irregularities pointed out at various centers. Though

**Secretary Boards and Education contends**, that he has conducted meetings with representatives of **IBA Karachi** and according to **IBA Karachi** their capacity is not more than **10,000** students at once to *conduct* the test, however, test can be conducted separately in whole Sindh.

4. **Accordingly**, Chief **Secretary Sindh** is *directed* to notify a **committee** comprising of **Dr. Shireen Narejo**, Chairperson of the **CMIT**, **Mr. Mureed Rahimon**, **Secretary** of Aukaf (*former Secretary Boards*), **President PMDC** or his nominee, **Director Cyber Crime**, **FIA Karachi** including two members preferably experts of testing agency from **IBA Sukkur** and **IBA Karachi**; they **shall** conduct, thorough **probe** by *fixing criminal and civil* liability within **15** days from *today* regarding **anomalies** in the test. **Committee** would also be *competent* to seek **assistance** from any authority and to **call** complete record from the concerned university, who **conducted** the test as well as the record from the **PMDC**. The **Committee** would also be competent to record evidence if thinks fit. **Committee** shall also invite **objections** and *hear* the **petitioners** if they are interested.

5. In addition to the mandate of the committee, the Director General, Cyber Crime, **FIA** shall initiate inquiry/investigation as per law by an upright officer, with the help of scientific tools, and submit such *investigation* report to the **Committee** accordingly.

6. **Meanwhile**, keeping in view of record, contentions of the parties, and *anomalies* discussed above, the **test** result as **declared** by **PMDC** shall not be *finalized* and **operation of result 2024** is **suspended** till the next date of *hearing* and **no institute** shall start process of **admission** on the basis of this **result**.

7. Besides, the **Secretary Boards** and **Universities** shall further *consult* with other reputed **testing agencies** all over Pakistan regarding the retake process, if required, or **MDCAT** test in future. At this juncture, it is pertinent to mention here, that **sub-section 4** of **Section 17** of **Pakistan Medical and Dental Council Act 2022**, depicts that the valid result will be **considered** for **next three years**, therefore, during this stipulated period, Council shall *conduct* meeting regarding the applicability of referred section to the present year's batch in the context of the existing provision of last two years validation of result and

applicability and whether such permission/provision can be bypassed or they shall consider for amendment in the Act.

8. According to President of PMDC, at present they are not in a position to conduct **tests** on their **own** as they don't have any **question bank**, however, they are preparing bank for future exams/ tests.

9. With regard to PMDC, the question bank and future tests, to be conducted by them, it is pointed out, that in **province** of **Sindh** upto **2021** there were **850** marks [intermediate], nonetheless, in other provinces there were **1100** marks, besides even a **pattern** of education is totally different in other provinces, where *physics* and other **science** subjects were divided into **Paper I** and **Paper II**, whereas, in the Province of Sindh students were required to complete **all** chapters in *one year*. Needless to say, that **Bloom's Taxonomy Concept** was not introduced/*adopted* in the province of Sindh, however, by the direction of this Court, in the last year **Worthy Chief Minister** Sindh *approved* that **Science** subject(s) shall be same all over Pakistan, however, **Text Book** Board was *reluctant* as they had already ordered for *publication* and perhaps those books may be provided in this year, *hence*, there is big *difference* of the course in Sindh province. Therefore, **PMDC** shall not conduct **test** on their own bank, that would cause serious prejudice to the province of Sindh's students and **it shall be ensured that everyone has same right and quality of education to appear in the test with same syllabus particularly science subjects, however, after three years that may be applied.**

10. *Attendance of Chief Secretary Sindh, Vice Chancellors, President PMDC is dispensed with.*

**To come up on 26<sup>th</sup> October 2024 at 10:00 a.m.**

Sd/-

JUDGE

Sd/-

JUDGE